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NEW DELHI, SATURDAY, MAY 4, 1991/VAISAKHA 14, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असंग्रहित रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 15 अप्रैल, 1991

का.प्रा. 1193:—केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अतिरिक्त सेशन न्यायालय/उच्च न्यायालय/सर्वोच्च न्यायालय, दिल्ली में एन.एन. मिश्रा हत्याकांड से संबंधित दिल्ली विशेष पुलिस स्थापन, नियमित मामला सं. 1/75, 13/75, 14/75-सीआईए (1)/एसीयू-(7), राज्य बनाम सन्तोषानन्द अवधूत तथा अन्य, के अभियोजन का संचालन करने के लिए श्री बी.एन. कालरा, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/4/91-ए.बी.डी. II(i)]

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 15th April, 1991

S.O. 1193.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) of the Central Government hereby appoints Shri B. L. Kalra, Advocate as Special Public Prose-

curator for conducting prosecution of the Delhi Special Police Establishments Regular case Nos. 1/75, 13/75 & 14/75-CIA (I)ACU(VII), State Vs. Santoshanand Avedhoot and others relating to the L. N. Misra murder case, in the court of Additional Sessions Judge/High Court/Supreme Court at Delhi.

[No. 225/4/91-AVD.II(i)]

का.प्रा. 1194:—केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अतिरिक्त सेशन न्यायालय/उच्च न्यायालय/सर्वोच्च न्यायालय, दिल्ली में एन.एन. मिश्रा हत्याकांड से संबंधित दिल्ली विशेष पुलिस स्थापन, नियमित मामला सं. 1/75, 13/75, 14/75-सीआईए (1) एसीयू-(7), राज्य बनाम सन्तोषानन्द अवधूत तथा अन्य, के अभियोजन का संचालन करने के लिए श्री एन.एन. माथुर, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/4/91-ए.बी.डी. (II) (ii)]

S.O. 1194.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri N. S. Mathur, Advocate as Special Public Prosecutor for conducting prosecution of the Delhi Special Police Establishments Regular Case Nos. 1/75, 13/75, 14/75-CIA (I)ACU(VII), State Vs. Santoshanand Avedhoot and others relating to the L. N. Misra Murder case, in the court of Additional Sessions Judge/High Court/Supreme Court at Delhi.

[No. 225/4/91-AVD-II(ii)]

का.प्रा. 1195:--केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अतिरिक्त मेहनत न्यायालय/उच्च न्यायालय/महोच्च न्यायालय, दिल्ली में एल. एम. मिश्रा हत्याकांड से संबंधित दिल्ली विशेष पुलिस स्थापन, नियमित मामला सं. 1/75 13/75, 14/75-सीआइए (1)/सीसी-7, राज्य बनाम सन्तोषानन्द भवभूत तथा अन्यो के अभियोजन का संचालन करने के लिए श्री पी. के. बोडे, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/4/91-ए.पी.डी. (II) (iii)]

S.O. 1195.—In exercise of the powers conferred by Sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri P. K. Chaubey, Advocate as Special Public Prosecutor for conducting prosecution of the Delhi Special Police Establishments Regular Cases Nos. 1/75, 13/75, 14/75-CIA(I)/ACU(VII) (State Vs. Santoshanand Avadhoot and others) relating to the L. N. Mishra Murder Case, in the court of Additional Sessions Judge/High Court/Supreme Court at Delhi.

[No. 225/4/91-AVD-II(iii)]

नई दिल्ली, 18 अप्रैल, 1991

का.प्रा. 1196:--केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए.टी. दान्ते, अधिवक्ता, मद्रास को दिल्ली विशेष पुलिस स्थापन (अपराध निरोध प्रभाग) के पांच मामलों में, अर्थात् श्री हरिहरण, हैदराबाद के स्टेट बैंक और अन्यो के विरुद्ध धार. सी. 59/77-एमएएस, श्री हरिहरण, हैदराबाद के स्टेट बैंक और अन्यो के विरुद्ध धार.सी. 63/78-एमएएस, श्री एम. अन्वीपन, बुरखन केन्द्र और अन्यो के विरुद्ध धार.सी. 74/77 एमएएस, श्री पी.एन. कृष्णन, आई.सी.एफ. और अन्यो के विरुद्ध धार.सी. 43/76-एमएएस और श्री नाग सूत्रमणियन, इण्डियन बैंक और अन्यो के विरुद्ध धार.सी. 2/79-एमएएस में आठवें अपराध विशेष न्यायाधीश, मद्रास के न्यायालय में अभियोजन के संचालन के प्रयोजन के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/46/90-ए.पी.डी. I]

New Delhi, the 18th April, 1991

S.O. 1196.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure 1973 (2 of 1974) the Central Government hereby appoints Shri A. T. Dante, Advocate, Madras as Special Public Prosecutor, for the purpose of conducting prosecution of five Delhi Special Police Establishment (Anti-corruption Division) cases viz., R. C. 59/77-MAS against Shri Hariharan, State Bank of Hyderabad and others, R.C. 63/78-MAS against Shri Hariharan, State Bank of Hyderabad and others, R.C. 74/77-MAS against Shri M. Andippan, Door Darshan Kendra and others; R.C. 43/76-MAS against Shri P. N. Krishnan, ICF and others; and R.C. 2/79-MAS against Shri Naga-Subramanian, Indian Bank and others in the Court of VIII Additional Special Judge, Madras.

[No. 225/46/90-AVD-II]

का.प्रा. 1197:--केन्द्रीय सरकार, सिविल प्रक्रिया संहिता, 1908 के प्रावेष 27 के नियम 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस. सी. मोर्य, अधिवक्ता, 11/4, बलबीर रोड, देहरादून, उत्तर प्रदेश को, भारत संघ और अन्य के विरुद्ध, सिविल न्यायाधीश का न्यायालय, पौड़ी में श्री सुभाष रावल द्वारा, जो धार.सी-35 (एस)/88/सीपी में एक अभियुक्त हैं, फाइल किए गए सिविल वाद सं. 2/90 की प्रतिरक्षा करने के लिए विशेष सरकारी प्लीडर नियुक्त करती है।

[संख्या 225/40/90-ए.पी.डी. I]

S.O. 1197.—In exercise of the powers conferred under Order 27 Rule 8-B of the Civil Procedure Code, 1908 the Central Government hereby appoints Shri S. C. Maurya, Advocate 11/4, Balbir Road, Dehradun U.P. as Special Government Pleader for defending the Civil Suit No. 2/90 filed by Shri Subhash Rawat, one of the accused in RC-35(s)/88/DAD in the Court of Civil Judge, Pauri, against the Union of India and others

[No. 225/40/90-AVD.II]

आश्रय

का.प्रा. 1198:--केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम 1946 (1946 का अधिनियम 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए प्रोफेसर महफूज़ मोज़ की पुत्री श्रीमती नहीशा इम्त्याज निवामी छानपुरा, श्रीनगर के अपहरण से संबंधित पुलिस धाना सदर (श्रीनगर सिटी), श्रीनगर, जम्मू और कश्मीर के अन्तर्गत पंजीकृत किए गए मामला संख्या 56/91 के बागल आत्मकवादी और विध्वंसकारी क्रियाकलाप (निवारण), अधिनियम 1987 (1987 का अधिनियम 28) की धारा 3, रनबीर दंड संहिता की धारा 364 तथा 368 और भारतीय शस्त्र अधिनियम, 1959 (1959 का अधिनियम 54) की धारा 3/25 के अधीन दण्डनीय अपराधों और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले जैसे ही सख्यवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के संबंध में या उनसे संभव प्रयत्नों, बुद्धिगमों और षड्यंत्रों के अन्वेषण के लिए जम्मू और कश्मीर शासन के गृह विभाग के 1991 के आदेश संख्या होम/डन्यूएम./604 दिनांक 20-3-1991 के तहत जम्मू और कश्मीर सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण जम्मू और कश्मीर राज्य पर करती है।

[संख्या 228/19/91/ए.पी.डी. II]

ORDER

1198.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the Government of Jammu & Kashmir vide Government of Jammu & Kashmir, Home Department Order No. Home/WS/604 of 1991 dated 20th March, 1991 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu & Kashmir for the investigation of the offences punishable under section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act 28 of 1987), Sections 364 and 368 of Ranbir Penal Code (Act 12 of 1989) and Sections 3/25 of the Indian Arms Act, 1959 (Act 54 of 1959) and any attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same fact or facts in regard to FIR No. 55/91 registered at Police Station Sadar (Srinagar City) relating to kidnapping of Ms. Naheeda Imtiaz daughter of Professor Saif-u-ddin Soz resident of Chanapora, Srinagar.

[No. 228/19/91-AVD. II]

का.प्रा. 1199:--केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, चीफ मैट्रोपोलिटन मजिस्ट्रेट, दिल्ली के न्यायालय में श्री राजेन्द्र सिंह सेठिया और अन्य के विरुद्ध दिल्ली विशेष पुलिस स्थापना नियमित मामला सं. 1/85-सा.आई.पू.-2 के अभियोजन के संचालन के लिए श्री एस.सी. एंग्रिश, अधिवक्ता को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/2/91-ए.पी.डी. II]

S.O. 1199.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) the Central Government hereby appoints Shri S. C. Angrish, Advocate as a Special Public Prosecutor for conducting trial of the case arising out of the Delhi Spe-

Special Police Estab
against Shri Rajend
of the Chief Metro

No. 1/85-CIU.II
others in the Court
Delhi.

No. 225/2/91-AVD.II]

का.आ. 1200 :- 5. बण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस. सी. अंग्रिश, अधिवक्ता, नई दिल्ली को महानगर मजिस्ट्रेट, नई दिल्ली के न्यायालय में श्री वी. के. जैन, सी. जैन शुद्ध वनस्पति लिमिटेड के प्रबंध निदेशक श्री आर. के. जैन- सी. जैन एक्सपोर्ट (प्रा.) लिमिटेड के प्रबंध निदेशक और अन्य के विरुद्ध दिल्ली विशेष पुलिस स्थापना नियमित मामला सं. 7 और 8/79-जी. डब्ल्यू. 1/सी.आई. यू.-III से उत्पन्न होने वाले मामलों के विचारण का संचालन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/7/91-ए. वी. डी. (II)]

ए. सी. शर्मा, अवर सचिव

S.O. 1200.—In exercise of the powers conferred by Sub-Section (8) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri S. C. Angrish, Advocate, New Delhi, as a Special Public Prosecutor for conducting trial of cases arising out of the Delhi Special Police Establishment Regular Case Nos. 7 and 8/79-CIU(III) against Shri V. K. Jain, Managing Director of M/s. Jain Shudh Vanaspati Ltd., Shri R. K. Jain, Managing Director of M/s. Jain Export (P) Ltd. and others in the court of Metropolitan Magistrate, New Delhi.

[No. 225/7/91-AVD.II]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर-बोर्ड)

नई दिल्ली, 31 दिसम्बर, 1990

आयकर

का. आ. 1201 :- आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुक के खण्ड (II)(ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इंडस्ट्रियल फाइनेंस कारपोरेशन ऑफ इंडिया, नई दिल्ली द्वारा जारी किए गए "11.5% इंडस्ट्रियल फाइनेंस कारपोरेशन बॉन्ड्स, 2010 (पचासवीं श्रृंखला)" को एतद्द्वारा उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

बगलें कि उक्त परन्तुक के अन्तर्गत लाभ इस प्रकार के बन्धनों के अन्तर्गत के मामले में पृष्ठांकन प्रथमा वितरण द्वारा तभी अनुमत्य होगा यदि अन्तर्लिखी इस प्रकार के अन्तर्गत से 60 दिन की अवधि के भीतर इंडस्ट्रियल फाइनेंस कारपोरेशन ऑफ इंडिया प्रथमा भारतीय निर्यात बैंक (आई.एफ.सी.आई. बन्धनों को जारी करने तथा उनके बंधन के लिए प्रसारी प्रबंधक) को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8847/का. सं. 275/206/90-आ. कर (ब)]

MINISTRY OF FINANCE

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, 31st December, 1990

INCOME-TAX

S.O. 1201.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5% Industrial Finance Corporation Bonds, 2010 (Fifty Seventh Series)" issued by the Industrial Finance

Corporation of India, New Delhi, for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the Industrial Finance Corporation of India or the Reserve Bank of India (Managers incharge for the issue and management of IFCI bonds) by registered post within a period of sixty days of such transfer.

[No. 8847/F. No. 275/206/90-II(B)]

नई दिल्ली, 16 फरवरी, 1991

आयकर

का. आ. 1202 :- आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के खण्ड (II)(ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राष्ट्रीय आवास बैंक, नई दिल्ली द्वारा जारी किए गए "11.5% राष्ट्रीय आवास बैंक बंधन, 2010 (तीसरी श्रृंखला)" को एतद्द्वारा उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

बगलें कि उक्त परन्तुक के अन्तर्गत लाभ इस प्रकार के बन्धनों के अन्तर्गत के मामले में पृष्ठांकन प्रथमा वितरण द्वारा तभी अनुमत्य होगा यदि अन्तर्लिखी इस प्रकार के अन्तर्गत से 60 दिन की अवधि के भीतर राष्ट्रीय आवास बैंक को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8846/का. सं. 275/205/90-आ. कर (ब)]

New Delhi, the 16th February, 1991

INCOME-TAX

S.O. 1202.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5% National Housing Bank Bonds, 2010 (Third Series)" issued by the National Housing Bank, New Delhi for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the National Housing Bank by registered post within a period of sixty days of such transfer.

[No. 8846/F. No. 275/205/90-II(B)]

आयकर

का. आ. 1203 :- आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुक के खण्ड (II)(ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय आयात-निर्यात बैंक, बम्बई द्वारा जारी किए गए "11.5 प्रतिशत एक्सिम बैंक बंधन--2010 (आठवीं श्रृंखला)" को एतद्द्वारा उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है।

बगलें कि उक्त परन्तुक के अन्तर्गत लाभ इस प्रकार के बन्धनों के अन्तर्गत के मामले में पृष्ठांकन प्रथमा वितरण द्वारा तभी अनुमत्य होगा यदि अन्तर्लिखी इस प्रकार के अन्तर्गत से 60 दिन की अवधि के भीतर भारतीय आयात-निर्यात बैंक को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8855/का. सं. 275/177/90--आ. कर (ब)]

राजेश चन्द्र, अवर सचिव

S.O. 1203.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5 PER CENT EXIM BANK BONDS—2010 (EIGHTH SERIES)", issued by the Export-Import Bank of India, Bombay, for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds by endorsement or delivery, only if the transferee informs the Export-Import Bank of India by registered post within a period of sixty days of such transfer.

[No. 8855/F.No.275/177/90/IT(B)]
RAJESH CHANDRA, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 11 अप्रैल, 1991

का.आ. 1204:—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41 वां) की धारा 2 के खंड (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का मुख्य कौंसलावास सान फ्रांसिस्को में सहायक सर्वश्री कर्णसिंह और उत्पल के. आइंच को 15 मार्च, 1991 से कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/2/91]
[ए.एल. श्रीवास्तव, निदेशक/(कौंसली)]

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 11th April, 1991

S. O. 1204.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees)

Act, 1948 (41 of 1948), the Central Government hereby authorise S/Shri Karan Singh and Utpal K. Aich, Assistants in the Consulate General of India, San Francisco to perform the duties of Consular Agent with effect from 15th March, 1991.

[No. T. 4330/2/91]
A. L. SRIVASTAVA, Director (Consular)

वाणिज्य मंत्रालय

शुद्धिपत्र

नई दिल्ली, 18 अप्रैल, 1991

का. आ. 1205 :—भारत के राजपत्र, भाग-2, खण्ड-3, उपाखण्ड-2 में दिनांक 24 नवम्बर, 1990 को का. आ. 3130 के रूप में प्रकाशित वाणिज्य मंत्रालय की गजट अधिसूचना दिनांक 8 नवम्बर, 1990 में निम्नलिखित सुधार किए जाएंगे, अर्थात् :—

उक्त अधिसूचना में क्रम सं. 51 और उससे सम्बन्धित प्रविष्टि को प्रविष्टि के साथ क्रम संख्या 52 माना जाएगा। क्रम संख्या 51 की प्रविष्टि के स्थान पर, जो अब रिक्त हो गयी है, निम्नलिखित जोड़ा जाएगा।

“51 टेरगान”

[फा. सं. 7/2/89--ई. पी. (एमी - 5)]

रविन्द्र सिंह, उप सचिव

खाद्य एवं नागरिक पूति मंत्रालय

(नागरिक पूति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 3 अप्रैल, 1991

का.आ. 1206 :—भारतीय मानक ब्यूरो (प्रमाणन), विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन लाइसेंस (सों) का/के विवरण नीचे दिया गया है/दिए गए हैं, वही/वे उसके/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र. सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	14300 30	मैसर्स बेमको इंडस्ट्रीज, 8/33, कीर्ति नगर इंडस्ट्रियल एरिया, नई दिल्ली	विद्युत संस्थापन के लिए सुदृढ़ अधात्विक कंड्यूड साइज 20 मिमी और 2 मिमी IS : 12509-1973	17 मई 1990
2.	20650 38	मैसर्स उजाला लैम्पस एण्ड इलेक्ट्रिकल्स, 89 तीसरा मेन रोड, इंडस्ट्रियल टाउन, राजाजी नगर, बंगलौर-360044	जीएनएम बल्ब 25 वा से 100 वा तक रेटिंग, एक कुंडली बी-22 डी टोपी सहित IS 418-1978	1 जून 1990
3.	20929 50	मैसर्स एजल इंडस्ट्रीज पुरनंदापुर, डा. बारुपुर, जिला-24 परगना (प. बं.)	टंगस्टन तंतु, सामान्य सेवा बिजली के बल्ब, 60वां, 230 वां, कुंडलित कुंडली, -22 डी टोपी सहित IS : 418-1978	1 अप्रैल 1990
4.	21114 23	मैसर्स डेवको इलेक्ट्रिक इंडस्ट्रीज, धीपात इंड. एस्टेट, एस.बी रोड, उशीवरा ब्रिज, जोगेश्वरी (प.) बम्बई-400057	5 एम्प और 15 एम्प, 250 वां, एसी, फ्लश टाइप स्विच साकेट आउटलेट (नान इंटरलॉकिंग टाइप), IS : 4625-1968	1 मई 1990

[सं. के प्रावि/55 : 14300 30]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 3rd April 1991

S.O. 1206 :—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated :

SCHEDULE

Licence No. (CM/L-)	Name and Address of the licensee	Article/process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
14300 30	M/s. Bemco Industries, 8/33 Kirti Nagar, Industrial Area, New Delhi-110015	Rigid non-metallic conduits for electrical installations sizes 20 mm and 25 mm (IS : 2509-1973)	17 May 1990
20650 38	M/s. Ujala Lamps & Electricals, 89, 3rd Main Road, Industrial Town, Rajajinagar, Bangalore-560044	GLS Lamps having rating from 25W upto and including 100 W, 250V, Single coil/coiled coil, with B 22 d caps IS : 418-1978	1 Jan 1990
20929 50	M/s. Engel Industries, Purandarpur, P.O. Baruipur Dist. 24 Parganas (W.B.)	Tungsten filament general service, electric lamps, 60W, 230 V, coiled coil with B 22 d caps (IS : 418-1978)	1 April 1990
21114 23	M/s. Decco Electric Industries, F-101, Shreepal Indl. Estate, S.V. Road, Oshiwara Bridge, Jogeshwari (West), Bombay-400057	5 A&15 A 250 V, AC, flush type switch socket outlets (Non-interlocking type) (IS : 4615-1968)	1 May 1990

[No. CMD/L5 : 1430030]

का.आ. 1207 :—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिष्ठाित करता है कि जिस/जिन लाइसेंस (सों) का/के विवरण नीचे दिया गया है/दिए गए हैं, वही/उन्हें/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र. सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	21158 35	मै. कास्मिक इंडस्ट्रीज, 119, सोनल हैवी इंडस्ट्रियल एस्टेट, रामचन्द्र लेन, मलाद पश्चिम, बम्बई-400064	घरेलू और ऐसे ही कार्यों के लिए 250 वो, 5 और 15-ए, एसी पत्रण मार्केटिंग स्विच, एसी प्रेरण परिपथ स्विच को छोड़कर आईएस : 3854- 1966	16 मई 1990 से प्रभावित

[सं.के.प्र.वि./55 : 21158 35]

S.O. 1207 :—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence (s) particular of which is/are given below has/have been cancelled with effect from the date indicated:

SCHEDULE

Licence No. (CM/L—)	Name and address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
21158 35	M/s. Cosmic Industries, 119, Sonal Heavy Indl. Estate, Ramchandra Lane, Malad West, Bombay-400064	250 V. 5 and 15 A AC flush mounting switches for domestic and similar purposes excluding switches for AC inductive circuits IS : 3854-1966	with effect from 16 May 1990

[No. CMD/55 : 21158 35]

नई दिल्ली, 5 अप्रैल, 1991

का.भा. 1208 :—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि किम/जिन लाइसेंस(सों) का/के विवरण नीचे दिया गया है/दिए गए हैं। उक्त/उक्तके मामले से उक्त तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र. सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एल-2113932	मै. सूर्या स्टील लि., डा. और रेलवे स्टेशन, सरदार नगर, गोरखपुर, (उ.प्र.)	संरचना इस्पात (मानक किस्म) में बेलन के लिए छेदे बिलेट इंगट, ग्रेड 1 और 2, भासा : 6914-1978	90-05-16
2.	सीएम/एल-2114025	मै. सूर्या स्टील लि., डा. और रेलवे स्टेशन, सरदार नगर, गोरखपुर, (उ.प्र.)	संरचना इस्पात (साधारण किस्म) में बेलन के लिए छेदे बिलेट इंगट, भासा : 6915-1978	1990-05-16

[कि प्रा वि/55 : 21139 32]

New Delhi, the 5th April, 1991

S.O. 1208 :—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards hereby notifies that the licences No. CM/L-2113932 and CM/L-2114025 particulars of which are given below have been cancelled with effect from the date indicated:

SCHEDULE

Licence No. (CM/L—)	Name and Address of licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of cancellation
1. CM/L-2113932	M/s. Saraya Steel Ltd., P.O. & Rly. Station Sardar Nagar Gorakhpur (U.P.)	Cast billet ingots for rolling into structural steel (standard quality) Grade 1 & 2, IS : 6914-1978	90-05-16
2. CM/L-2114025	M/s. Saraya Steel Ltd., P.O. Rly. Station Sardar Nagar, Gorakhpur (U.P.)	Cast billet ingots for rolling into structural steel (Ordinary quality) IS : 6915-1978	90-05-16

[No. CMD/55 : 21139 32]

नई दिल्ली, 15 अप्रैल, 1991

का. आ. 1209 :—भारतीय मानक ध्वरो नियम, 1987 के नियम 7 के अनुसूच (1) को खंड (ख) के अनुसूच में भारत, 1 मानक ध्वरो एनर् द्वारा अधिसूचित करता है जिस/जिन भारतीय मानक/मानकों, का/के विवरण नीचे अनुसूच में दिया गया है/दिए गए हैं, वह/वे निम्न दिनांक को स्थापित हो गया है/हो गए हैं।

अनुसूच

क्रम सं.	स्थापित भारतीय मानक (को) की संख्या वर्ष और पीपीक	नए भारतीय मानकों द्वारा प्रतिबन्धित भारतीय मानक अथवा मानकों, यदि कोई हों, की सं. और वर्ष	स्थापना की तिथि
(1)	(2)	(3)	(4)
1.	आईएस : 101 (भाग 7/सेक्टर 3)-1990 रोगन वाणिज्य और संबद्ध उत्पादों के नमूने लेने और परीक्षण की विधियां भाग 7 रोगन फिल्मों के पर्यावरणीय परीक्षण उष्मा प्रतिरोध (तीसरा पुनरीक्षण)	आईएस : 101-1964	1990-18-31
2.	आईएस : 101 (भाग 7/सेक्टर 4)-1990 रोगन वाणिज्य और संबद्ध उत्पादों के नमूने लेने और परीक्षण की विधियां भाग 7 रोगन फिल्मों के पर्यावरणीय परीक्षण उष्मा प्रतिरोध खंड 4 वर्षों की निम्न प्रतिरोधिता (तीसरा पुनरीक्षण)	आईएस : 101-1964	-वही-
3.	आईएस : 402-1990 प्रनाप छिनियां--विशिष्ट (तीसरा पुनरीक्षण)	आईएस : 402-1974	1990-10-31
4.	आईएस : 862-1990 हथकरघे की सूती टिकिंग कपड़ा--विशिष्ट (पहला पुनरीक्षण)	आईएस : 863-1956	-वही-
5.	आईएस : 864-1990 हथकरघे की हल्की सूती टिकिंग--विशिष्ट (पहला पुनरीक्षण)	आईएस : 864-1956	-वही-
6.	आईएस : 1540-(भाग 2)-1990 रसायन उद्योगों के लिए धनबुद्धि और बुझे बूने की विशिष्ट (तीसरा पुनरीक्षण)	आईएस : 1540 (भाग 2)-1978	-वही-
7.	आईएस : 1555-1990 वस्त्रादि मशीनरी--सूती करघे के लिए डामर से बंधे तार के रीड--विशिष्ट (तीसरा पुनरीक्षण)	आईएस : 1555-1974	-वही-
8.	आईएस : 1575-1990 पृथक्कारी फेनल--विशिष्ट (पहला पुनरीक्षण)	आईएस : 1575-1960	1990-09-30
9.	आईएस : 1885 (भाग 68)--1989 विद्युत तकनीकी पारिभाषिक शब्दावली भाग 68 समर्पण ध्वनि की तरंग (सा) फिल्टर।	--	1990-10-31
10.	आईएस : 2220-1990 इंजीनियरी माप विज्ञान--ह्मपात के ऋजु कोट (पहला पुनरीक्षण)	आईएस : 220-1962	-वही-
11.	आईएस : 3079-1990 औद्योगिक ह्मपातों की अग्नि-सुरक्षा की रीति संहिता सूत वस्त्रादि मिश्र (पहला पुनरीक्षण)	आईएस : 3079-1965	1990-10-31
12.	आईएस : 3510-1990 इंजीनियरी माप विज्ञान और निर्माण के फ्लैट--विशिष्ट (पहला पुनरीक्षण)	आईएस : 3510-1966	-वही-
13.	आईएस : 4048-1989 मल्लकयूरिक मल्ल के जलीय विलयनों की घनत्व संघटन सारणियां--विशिष्ट (पहला पुनरीक्षण)	आईएस : 4048-1966	1990-06-30
14.	आईएस : 4545 (भाग 10)-1990 टेनीसजिन ब्रॉडकास्ट ट्रांसमिशन हेतु रिसेवर मापन की विधियां भाग 10 दो कैरियर एकल तंत्र का प्रयोग करने हुए बहु चैनल ध्वनि टेनी- विजन रिसेवर पर विद्युत मापन	--	1990-10-31

(1)	(2)	(3)	(4)
15.	आईएस : 4651 (भाग 2)- 1989 पोर्ट एवं हर्बर - आयोजन एवं डिजाइन भाग-भू-बाव (पहला पुनरीक्षण)	आईएस : 4651 (भाग 2)- 1969	1990-10-31
16.	आईएस : 4904- 1990 पराश्रव्य प्रविनाशी परीक्षण में प्रयुक्त अंशोक्त ब्लॉक—विशिष्ट (तीसरा पुनरीक्षण)	आईएस : 4940- 1982	- वही-
17.	आईएस : 6139- 1990 सामान्य उपयोग हेतु शीट में सफेद और रंगीन फोटोग्राफिक कागज के साइज - विशिष्ट (पहला पुनरीक्षण)	आईएस : 6139-1971	- वही-
18.	आईएस : 6452- 1989 संरचना उपयोग के लिए उच्च दाब एल्यूमिना सीमेंट- -विशिष्ट (पहला पुनरीक्षण)	आईएस : 6452- 1972	- वही-
19.	आईएस : 6533 (भाग 1)- - 1989 इस्पात बिमनी के डिजाइन और निर्माण-रीति संहिता भाग-1 यांत्रिक पक्ष (पहला पुनरीक्षण)	आईएस : 6533- 1971	1990-09-30
20.	आईएस : 9401- (भाग 10)- 1990 नदी घाटी परियोजनाओं (बांध और अनुबंध संरचनाएं) में कार्यमापन की प्रक्रिया भाग 10 फार्म वर्क	- -	1990-10-31
21.	आईएस : 9527 (भाग 6)- 1989 पतनन तथा बंदरगाह संरचना में डिजाइन तथा निर्माण-रीति संहिता खंड 6 ब्लॉक कार्य	- -	- वही-
22.	आईएस : 9668- 1990 भाग बुझाने के लिए जल सल्फाई की व्यवस्था तथा अनुरक्षण की रीति संहिता (पहला पुनरीक्षण)	आईएस : 9668- 1980	1990-09-30
23.	आईएस : 10355- 1990 कापर एसीटो आर्सेनट- -विशिष्ट (पहला पुनरीक्षण)	आईएस : 10355- 1982	1990-10-31
24.	आईएस : 11401 (भाग 2)- 1990 मंद धातु फिल्टर की सामान्य अपेक्षाएं भाग 2 डिजाइन, संरचना, प्रचलन और रखरखाव	- -	- वही-
25.	आईएस : 12572 (भाग 10)- 1988 जैव वैज्ञानिक खतरों के लिए चिकित्सीय युक्तियों के मूल्यांकन की मार्गदर्शिका भाग 10 दंत सामग्रियों की जैविक परीक्षण विधियां तथा मूल्यांकन	- -	- वही-
26.	आईएस : 12816- 1989 ताइड्रिकभास के जलीय विलयनों की घनत्व संघटन सारणियां--विशिष्ट	- -	- वही-
27.	आईएस : 12903- 1990 व्यापारिक वाहन और बस- गीयरबॉक्स फजीज- - टाइप एस	- -	- वही-
28.	आईएस : 12913- 1990 ब्रोमीडाइजॉन सी बी- -विशिष्ट	- -	- वही-
29.	आईएस : 12917 (भाग 1)- 1990 फार्म परिवहन उपकरण-यंत्रों द्वारा खींची जाने वाली पारस्परिक गाड़ी खंड-1 पशु, गधा, खच्चर	- -	- वही-
30.	आईएस : 12919- 1990 गन्ना बीनी उद्योग के लिए कवेयर बेल- -विशिष्ट	- -	- वही-
31.	आईएस : 12921- 1990 साख रंजक- -विशिष्ट	- -	- वही-
32.	आईएस : 12927- 1990 सीसा संयोजन मेल, गैर प्रोफाइट क्लब- -विशिष्ट	- वही-	- वही-

(1)	(2)	(3)	(4)
33.	आईएस : 12928- 1990 प्रवर्धित बेरियम कार्बोनेट--सीनी मिट्टी तथा कांच उद्योग के लिए--विशिष्ट	--	1990-10-31
34.	आईएस : 12935- 1990 सीनी की ग्रेडिंग के लिए सिकारिणी औद्योगिक जलनियां--विशिष्ट	--	-वही-
35.	आईएस : 12936- 1990 एल पी जी मिलिन्डर के वितरण में कार्यरत व्यक्तियों की आधारभूत अपेक्षाओं संबंधी संहिता	--	-वही-
36.	आईएस : 12950- 1990 हस्पताल इलाइयों के रेडियो ग्राफिक निरीक्षण के स्वीकरण मानक	--	1990-09-30
37.	आईएस : 12950- 1990 बैटरी हाइड्रोमीटर--सीसा अम्ल बैटरियों के लिए सुवाह्य सिरिज--विशिष्ट	--	1990-10-31
38.	आईएस : 12953- 1990 कृषि ट्रैक्टरों के ब्रुवार-लिक टाइप--विशिष्ट	--	-वही-
39.	आईएस : 12954- 1990 कृषि ट्रैक्टरों के ब्रुवार की तकलीकी अपेक्षाएं-- झूलने वाली किस्म	--	-वही-
40.	12955 (भाग 1)- 1990 नम्य विस्फारमापी का उपयोग करते हुए मोके पर गैल संहिता विरूप्यता ज्ञान करने की रीति संहिता, भाग 1 प्रायतन परिचालन संहिता	--	-वही-
41.	आईएस : 12955 (भाग 2)- 1990 नम्य विस्फारमापी का उपयोग करते हुए मोके पर गैल संहिता विरूप्यता ज्ञान करने की रीति संहिता भाग 2 विज्य विरूप्यता संहिता	--	-वही-

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चेन्नई और मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और त्रिवेन्द्रम में बिन्ही के लिये उपलब्ध हैं।

[सं. के.प्र.वि./13 : 2]

New Delhi, the 15th April, 1991

S.O. 1209 :—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, The Bureau of Indian Standards hereby notifies that the Indian Standard(s), Particulars of which is/are given in the Schedule hereto annexed, has/have been established on two date indicated against each :

THE SCHEDULE

Sl. No.	No. Year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS : 101 (Part 7/Sec 3)—1990 Methods of sampling and test for paints, varnishes and related products Part 7 Environmental tests on paint films Section 3 Resistance to Heat (Third Revision)	IS : 101—1964	1990-10-31

2	3	4
2. IS : 101 (Part 7/Sec 4)—1990 Methods of sampling and test for paints, varnishes and related products Part 7 Environmental tests on paint films Section 4 Resistance to bleeding pigments (Third Revision)	IS : 101—1964	1990-10-31
3. IS : 402—1990 Cold chisels—Specification (Third Revision)	IS : 402—1994	-do-
4. IS : 862—1990 Handloom cotton tacking cloth—Specification (First Revision)	IS : 862—1956	-do-
5. IS : 864—1990 Handloom cotton light sheeting—Specification (First Revision)	IS : 864—1956	-do-
6. IS : 1540 (Part 2)—1990 Quicklime and hydrated lime for chemical industries—Specification Part 2 Hydrated lime (Third Revision)	IS : 1540 (Part 2)—1978	-do-
7. IS : 1555—1990 Textile machinery—Wire reed, pitch-bound, for use in cotton loom—Specification (Third Revision)	IS : 1555—1974	-do-
8. IS : 1575—1990 Separating funnels—Specification (First Revision)	IS : 1575—1960	1990-09-30
9. IS : 1885 (Part 68)—1989 Electrotechnical vocabulary Part 68 Surface acoustic wave (saw) filters	..	1990-10-31
10. IS : 2220—1990 Engineering metrology—Steel straightedges—Specification (First Revision)	IS : 2220—1962	-do-
11. IS : 3079—1990 Code of practice for fire safety of industrial buildings; cotton textile mills (First Revision)	IS : 3079—1965	-do-
12. IS : 3510—1990 Engineering metrology—toolmaker's flats—Specification (First Revision)	IS : 3510—1966	-do-
13. IS : 4048—1989 Density-composition tables for aqueous solutions of sulphuric acid—Specification (First Revision)	IS : 4048—1966	1990-06-30

(1)	(2)	(3)	(4)
14.	IS : 4545 (Part 10)—1990 Methods of measurement on receivers for television broadcast transmissions Part 10 Electrical measurements on multi-channel sound television receivers using the two-carrier FM-system	—	1990-10-31
15.	IS : 4651 (Part 2)—1989 Ports and harbours... planning and design — code of practice Part 2 Earth pressures (First Revision)	IS : 4651 (Part 2)—1969	-do-
16.	IS : 4904—1990 Calibration blocks for use in ultrasonic non-destructive testing—Specification (Third Revision)	IS : 4904—1982	-do-
17.	IS : 6139—1990 Sizes of black and white and colour photographic paper in sheets for general use—Specification (First Revision)	IS : 6139—1971	-do-
18.	IS : 6452—1989 High alumine cement for structural use—Specification (First Revision)	IS : 6452—1972	-do-
19.	IS : 6533 (Part 1)—1989 Design and construction of steel chimney— Code of practice Part 1 Mechanical aspect (First Revision)	IS : 6533—1971	1990-09-30
20.	IS : 9401 (Part 10)—1990 Method of measurement of works in river valley projects (Dams and Appurtenant structures) Part 10 Formwork	—	1990-10-31
21.	IS : 9527 (Part 6)—1989 Design and construction of port and harbour structures—Code of practice Part 6 Block work	—	1990-10-31
22.	IS : 9668—1990 Provision and maintenance of water supplies for fire fighting—Code of practice (First Revision)	IS : 9668—1980	1990-09-30
23.	IS : 10355 —1990 Copper aceto arsenite— Specification (First Revision)	IS : 10355—1982	1990-10-31
24.	IS : 11401/Part 2)—1990 General requirements for slow sand filters Part 2 Design, construction, operation and maintenance	—	-do-
25.	IS : 12572 (Part 10)—1988 Guide for evaluation of medical devices for biological hazards Part 10 Methods of biological testing and evaluation of dental materials	—	-do-
26.	IS : 12816—1989 Density-composition tables for aqueous solutions of nitric acid — Specification	—	-do-

(1)	(2)	(3)	(4)
27.	IS : 12903-1990 Commercial vehicles and buses gearbox flanges—type S	—	1990-10-31
28.	IS : 12913-1990 Bromadiolone CB—Specification	—	-do-
29.	IS : 12917 (Part 1)-1990 Farm transport equipment—conventional animal drawn vehicles—Specification Part 1 Cattle, Donkey and mule	—	-do-
30.	IS : 12919-1990 Conveyor chains for cane sugar industry—Specification	—	-do-
31.	IS : 12921-1990 Lac dye—Specification	—	-do-
32.	IS : 12927-1990 Glass mould oils, non graphited—Specification	—	-do-
33.	IS : 12928-1990 Precipitated barium carbonate for ceramic and glass industry—Specification	—	-do-
34.	IS : 12934-1990 Recommended industrial screens for grading sugar—Specification	—	-do-
35.	IS : 12936-1990 Code for basic requirements for delivery persons engaged in the delivery of LPG cylinders	—	-do-
36.	IS : 12938-1990 Acceptance standards for radiographic inspection of steel castings	—	1990-09-30
37.	IS : 12950-1990 Battery hydrometer portable syringe type for lead-acid batteries—Specification	—	1990-10-31
38.	IS : 12953-1990 Drawbar for agricultural tractors-link type—Specification	—	-do-
39.	IS : 12954-1990 Technical requirements for drawbar for agricultural tractors—Swinging type	—	1990-10-31
40.	IS : 12955 (Part 1)-1990 Code of practice for in-situ determination of rock mass deformability using a flexible dilatometer Part 1 with volume change	—	1990-09-30
41.	IS : 12955 (Part 2)-1990 In-Situ determination of rock mass deformability using a flexible dilatometer—Code of practice Part 2 with radial displacement	— —	1990-10-31 -do-

Copies for these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi and Regional Offices: Bombay, Calcutta, Chandigarh, and Madras and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad Jaipur, Kanpur, Patna and Trivandrum.

नई दिल्ली, 25 अप्रैल, 1991

का.प्रा. 1210 :—भारतीय मानक बोरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ध्यूरो एनड्वारा अधिसूचित करती है कि जिस/जिन लाइसेंस(सों) का/के विवरण नीचे दिया गया है/दिए गए हैं, वह/वे उनके/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्र. सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रक्रम तथा सम्बन्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
1.	सीएन/एल- 1473957	मै. नील लैबर कारपोरेशन, कलकत्ता	आईएस : 1989 (भाग 2)- 1978 भारी धातु उद्योग के लिए अमड़े के सुरक्षा बूट और जूते	1986-11-16

[सं.के.प्र.वि/55-1473957]
एस. सुब्रह्मण्यम, अपर महानिदेशक

New Delhi, the 25th April, 1991

S.O.1210 :—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is given below has been Cancelled with effect from the date indicated :

SCHEDULE

Licence No. (CM/L)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)
CM/L-1473957	M/s. Neon Leather Corporation, Calcutta	IS : 1989 (Part 2)-1978 Safety leather boots and shoes for heavy metal industries	1986-11-16

[No. CMD/55 : 1473957]

S. SUBRAHMANYAN, Addl. Director General

हस्तात और खान मंत्रालय

(हस्तात विभाग)

नई दिल्ली, 4 अप्रैल, 1991

का. प्रा. 1211 :—केन्द्रीय सरकार, लोहा और हस्तात (नियंत्रण) आदेश 1956 के खंड 17 का द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, भारत सरकार के पूर्व हस्तात और भारी इंजीनियरी मंत्रालय की दिनांक 7 अप्रैल, 1971 की अधिसूचना सं. का. प्रा. 1567/आ. व. /लोहा और हस्तात में निम्नलिखित संशोधन करती है अर्थात :—

उक्त अधिसूचना के खण्ड-2 के उपखंड (क) की मध (ii) में से "इंडियन आयरन एण्ड स्टील कंपनी लिमिटेड" शब्दों का लोप किया जाएगा।

[सं. एस. सी./1/6/91 डी. III]

प्रशोक कुमार बसु, संयुक्त सचिव

टिप्पणी :—मुख्य आदेश दिनांक 7 अप्रैल, 1971 के का. प्रा. सं. 1567 के अन्तर्गत अधिसूचित किया गया था और बाद

में निम्नलिखित का. प्रा. के अन्तर्गत संशोधन किए गए थे :—

1. सं. का. प्रा. 104 दिनांक 22-2-1973
2. सं. का. प्रा. 123 दिनांक 3-3-1975
3. सं. का. प्रा. 721 दिनांक 20-12-1975
4. सं. का. प्रा. 744 दिनांक 27-12-1978
5. सं. का. प्रा. 571 दिनांक 8-10-1979
6. सं. का. प्रा. 734 दिनांक 9-2-1990

MINISTRY OF STEEL AND MINES

(Department of Steel)

New Delhi, the 4th April, 1991

S.O. 1211.—In exercise of the powers conferred by clause 17B of the Iron and Steel (Control) Order, 1956, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Steel and Heavy Engineering No. S.O. 1567/ESS/COMM/Iron and Steel, dated the 7th April, 1971, namely :—

In the said notification, in clause 2, sub-clause (a), item (ii) the words "the Indian Iron and Steel Company Limited" shall be omitted.

[No. SC/1/6/91-D.III]
A. K. BASU, Jt. Secy.

Foot Note: The principal order was notified vide No. S.O. 1567, dated the 7th April, 1971 and subsequently amended vide—

1. No. SO 104 dated 22-02-1973
2. No. SO 123 dated 03-03-1975
3. No. SO 721 dated 20-12-1975
4. No. SO 744 dated 27-12-1978
5. No. SO 571 dated 08-10-1979
6. No. SO 734 dated 09-02-1990

पेट्रोलियम एवं रसायन मंत्रालय
(रसायन और पेट्रोसायन विभाग)
नई दिल्ली, 22 अप्रैल, 1991

का. आ. 1212:—चूँकि इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स नागोठणा विभाग ने पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम 1962, खण्ड 6 के उपखण्ड (1) के अंतर्गत पाइपलाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए गए ग्रामों में पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 7 के उपखण्ड (1) की धारा (i) में उल्लिखित पाइपलाइन डालने का कार्य दि. 23-02-91 की पूर्ण कर दिया है।

अतः मैं डी. एन. तरे, सक्षम प्राधिकारी, इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि. महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स नागोठणा (पाइप लाइन), पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम 1963 के नियम 4 (1) के अंतर्गत एतद्वारा निम्न उल्लिखित दिनांक को इन ग्रामों में पाइपलाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

अनुसूची

राज्य : महाराष्ट्र जिला : रायगड तहसील : अलिबाग पेण/
पनवेल/उरण

अनु. क्र. नाम ग्राम कार्य समाप्ति का दिनांक

तहसील : अलिबाग

- | | |
|-----------|---------|
| 1. चरी | 23-2-91 |
| 2. खोपण | 23-2-91 |
| 3. शहापुर | 23-2-91 |
| 4. धेरंड | 23-2-91 |

तहसील : पेण

- | | |
|-----------------------|---------|
| 1. उंबर्डे | 23-2-91 |
| 2. धोंडपाडा | 23-2-91 |
| 3. कोप्राली | 23-2-91 |
| 4. नगदी-सापोली | 23-2-91 |
| 5. वरेडी | 23-2-91 |
| 6. डोलवी-दबाबा | 23-2-91 |
| 7. खारिदुतर्फा-बोर्ली | 23-2-91 |
| 8. डावरे | 23-2-91 |
| 9. कोपर | 23-2-91 |

तहसील : पनवेल

- | | |
|-----------|---------|
| 1. गव्हाण | 23-2-91 |
|-----------|---------|

[सं. 34027/1/87 पी सी —3]
दि. ना. तरे, सक्षम प्राधिकारी

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Chemicals & Petrochemicals)

New Delhi, the 22nd April, 1991

S.O. 1212.—Whereas Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex, Nagothane, has acquired the right of user under Section 6(1) of the Petroleum and Minerals Pipeline (Acquisition of Right of User in land) Act 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of Section 7(1) of the said Act, in following villages on 23-2-1991 I, D.N. Tare, Competent Authority, IPCL, MGCC Nagothane (pipelines) hereby notify under rule 4(1) the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the above mentioned date as the date of termination of operation laying the pipeline in these villages.

SCHEDULE

State : Maharashtra District : Raigad

Sr. No.	Name of the Village i	Date of terminattinn of the operation
1	2	3
Tahsil : Alibag		
1. Chari		23-2-1991
2. Khopane		23-2-1991
3. Shahapur		23-2-1991
4. Dherand		23-2-1991
Tahsil : Pen		
1. Umbarde		23-2-1991
2. Dhondpada		23-2-1991
3. Koproli		23-2-1991
4. Nagadi Sapoli		23-2-1991
5. Waredi		23-2-1991
6. Dolavi-Dababa		23-2-1991
7. Kharidutarfa-Borli		23-2-1991
8. Daware		23-2-1991
9. Kopar		23-2-1991
Tahsil : Panvel		
1. Gavhan		23-2-1991

[No. 34027/1/87-PC-III]

D.N. TARE, Competent Authority

पेट्रोलियम और, प्राकृतिक, गैस मंत्रालय
नई दिल्ली, 17 सितम्बर, 1990

का.आ. 1213:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डी. एन. तरे से के. जी. जी. एस. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों की बिछाने के प्रयोजन के लिये एतदपवाद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 क 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का आशय एतद्वारा घोषित किया है।

वर्षों कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुसूची

डी.एच.एन. से के.जी.जी.एस. तक पाइप लाइन बिछाने के लिए

राज्य-गुजरात	जिला-खेड़ा	तालुका-बोरसद		
गांव	स.नं.	हे. आर.	सेन्टी.	
1	2	3	4	5
देहवान	390	0	01	10
	392	0	02	24
	424	0	09	22
	431/3	0	04	00
	536	0	02	88
	537/2	0	00	25
	537/4	0	02	59
	548/1	0	03	29
	548/2	0	01	68
	549/2	0	03	78
	600/1	0	03	50
	609/2	0	02	80
	609/3	0	06	30

[सं. ओ.-11027/64/90-ओ.एन.जी.डी.-III]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 17th September, 1990

S.O. 1213.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from DHN to K.GGS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road; Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from DHN to K-GGS

State : Gujarat District : Kheda Taluka : Borsad

Village	Survey No.	Hec-tare	Are	Centiare
Dehwan	390	0	01	10
	392	0	02	24
	424	0	09	22
	431/3	0	04	00
	536	0	02	88
	537/2	0	00	25
	537/4	0	02	59
	548/1	0	03	29
	548/2	0	01	68
	549/2	0	03	78
	609/1	0	03	50
	609/2	0	02	80
	609/3	0	06	30

[No. O-11027/64/90-ONG-D.-III]

नई दिल्ली, 9 अप्रैल, 1991

का.आ. 1214:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2918 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम, की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ई.पी.एस. गंधार से जी.एन.एफ.सी. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात	जिला: भरुच	तालुका: वागरा		
गांव	ब्लोक नं.	हेक्टे-यर	आरे.	सेन्टी-यर
1	2	3	4	5
गंधार	322 ए-बी	01	64	00

[सं. ओ.-11027/122/89-ओ.एन.जी.डी.-III]

New Delhi, the 9th April, 1991

S.O. 1214.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2918 dated 1-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar to GNFC

State : Gujarat Dist. : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Gandhar	322/A-B	1	64	00

[No. O-11027/122/89-ONG-D-III]

का.अ. 1215—यः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का प्रार्थन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.अ.सं. 3038 तारीख 20-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न भूसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का प्रस्ताव घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न भूसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न भूसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

भूसूची

રામોલ જી. સી. ંસ. સે રિઝાયાન્સ ડઝોગ તંક પાશ્વ લાઇન ચિછાવે કે િપા					
રાજ્ય:	ગુજરાત	જિલા:	અહમદાવાદ	તાલુકા:	દમકોઈ
ગાંવ	બ્લાક નં.	હેક્ટે- યર	પ્રાર.	સેન્ટી- યર	
1	2	3	4	5	
ગેરત નગર	44	0	04	80	
	45	0	18	00	
	47	0	05	40	
	48	0	06	15	
	કાર્ટ ટ્રેક	0	04	10	
	128	0	16	20	
	122	9	00	60	
	125	0	07	20	
	126	0	09	60	
	121	0	15	60	
	120	0	01	20	
	127	0	01	50	
	119	0	19	20	
	118	0	00	30	

[सं. ओ./11027/139/89-ओ.एन.जी.डी-III]

S.O. 1215.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3038 dated 20-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ramol GCS to Reliance Industries

State : Gujarat District : Ahmedabad Taluka : Daskroi

Village	Block No.	Hec-tare	Are	Centiare
Geratnagar	44	0	04	80
	45	0	18	00
	47	0	05	40
	48	0	06	15
	Cart track	0	04	10
	123	0	16	20
	122	0	00	60
	125	0	07	20
	126	0	09	60
	121	0	15	60
	120	0	01	20
	127	0	01	50
	119	0	19	20
	118	0	00	30

[No. O-11027/139/89-ONG D-III]

का.आ. 1216:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2916 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ई.पी.एस. गंधार से जी.एन.एफ. सी. तक पाइप लाइन बिछाने के लिए

राज्य :	गुजरात	जिला : भरुच	तालुका : वागरा		
गांव	ब्लॉक नं.	हेक्टे- यर	आर.	सेन्टी- यर	
1	2	3	4	5	
मलाबरा	214	0	00	60	
	215	0	12	20	
	217	0	03	00	
	218	0	48	00	
	226	0	01	75	

[सं. ओ.-11027/120/89-ओ.एन.जी.डा.]

S.O. 1216.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2916 dated 1-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar to GNFC

State : Gujarat Dist. : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centi- tare
Saladara	214	0	00	60
	215	0	12	20
	217	0	03	00
	218	0	48	00
	226	0	01	75

[No. O-11027/120/89-ONG D-III]

का.आ. 1217:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2919 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ई.पी.एस. गंधार से जी.एन.एफ. सी. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा		
गांव	ब्लॉक नं.	हे.	आर.	सेन्टी.
1	2	3	4	5
आंकोड	46	0	30	58
	48	0	10	30
	47	0	06	30
	41	0	27	74
	38	0	28	30

1	2	3	4	5
	34	0	07	15
	35	0	24	40
	33	0	32	00
	31	0	28	00
	29	0	30	00
	28	0	45	90
	17	0	40	00
	16	0	15	70
	10	0	14	20
	काष्ठ ट्रैक	0	06	00
	213	0	46	00
	216	0	13	70
	226	0	08	75
	225	0	06	25
	224 ए-बी	0	06	30
	227	0	03	60
	228	0	01	37
	229	0	11	50
	222	0	02	62
	230	0	10	20
	काष्ठ ट्रैक	0	06	60
	176	0	14	00
	177	0	12	60
	178 ए-बी	0	10	30
	179	0	15	90
	181	0	31	50
	182	0	02	25
	183	0	22	40
	171	0	02	80
	170	0	46	50
	165	0	28	40
	167	0	07	50
	166	0	14	30
	157	0	39	10
	156	0	22	50

[सं. ओ.-11027/123/89-ओ.एन.जी.डी. I]

S.O. 1217—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2919 dated 1-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline,

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (1) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhari to GNFC

State : Gujarat	District : Bharuch	Taluka : Vagra	Hee-	Are	Cent-
Village	Block No.	Hee-	Are	Cent-	iare
1	2	3	4	5	
Ankot	46	0	30	58	
	48	0	10	30	
	47	0	06	30	
	41	0	27	74	
	38	0	28	30	
	34	0	67	15	
	35	0	24	40	
	33	0	32	00	
	31	0	28	00	
	29	0	30	00	
	28	0	45	90	
	17	0	40	00	
	16	0	15	70	
	10	0	14	20	
	काष्ठ ट्रैक	0	06	00	
	213	0	46	00	
	216	0	13	70	
	226	0	08	75	
	225	0	06	25	
	224/A-B	0	06	30	
	227	0	03	60	
	228	0	01	37	
	229	0	11	50	
	222	0	02	62	
	230	0	10	20	
	काष्ठ ट्रैक	0	06	60	
	176	0	14	00	
	177	0	12	60	
	178/A-B	0	10	30	
	179	0	15	90	
	181	0	31	50	
	182	0	02	25	
	183	0	22	40	
	171	0	02	80	
	170	0	46	50	
	165	0	28	40	
	167	0	07	50	
	166	0	14	30	
	157	0	39	10	
	156	0	22	50	

[No. O-11027/123/89-ONG-D-III]

का.ओ. 1218:—यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम के अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.ओ.सं. 2068 तारीख 17-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अधिसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्त करने के लिए अधिनियम करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और साथ, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और साथ उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सर्वा बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चोकरी टी बिन्दु से जिक्रो तक पाईप लाइन बिछाने के लिए।

(नवा)

राज्य: गुजरात

जिला: वडोदा

तह: वादरा

गांव	ब्लॉक नं.	हेक्टे- यर	घारे.	सेन्टी- यर
1	2	3	4	5
उमराया	378	0	22	89
	388	0	13	64
	389	0	11	59
	390	0	06	49
	398/ग	0	18	96
	400	0	06	00
	399	0	26	77
	430	0	14	17
	429	0	06	00
	428/बो	0	12	49
	427	0	07	54
	610	0	15	93
	611	0	01	53
	612/बो	0	15	37
	625	0	14	00
	624	0	06	00
	623	0	06	04
	649	0	00	94
	650	0	08	18
	651	0	10	09
	663	0	05	30
	662	0	05	30
	659	0	15	84
	665	0	03	00
	675	0	00	55
		5		
	676	0	14	00
	काट्ट ट्रैक	0	00	40
	677	0	12	00
	काट्ट ट्रैक	0	01	59
	757	0	09	00
	758	0	02	40
	758	0	04	32

1	2	3	4	5
	755	0	04	42
	709	0	20	00
	710	0	05	20

[सं. आ.-11037/141/90-मो.एन.जो.हो.-II]

S.O. 1218.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3068 dated 17-11-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point to GIPCO

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec- tare	Are	Centi- tare
1	2	3	4	5
Umaraya	376	0	22	89
	388	0	13	64
	389	0	11	59
	390	0	06	49
	398/A	0	18	96
	400	0	06	00
	399	0	26	77
	430	0	14	47
	429	0	06	00
	428/B	0	12	49
	427	0	07	54
	610	0	15	93
	611	0	01	53
	612/B	0	15	37
	625	0	14	00
	624	0	06	00
	623	0	06	04
	649	0	00	93
	650	0	08	18
	651	0	10	60
	663	0	05	30
	662	0	05	30
	659	0	15	84
	665	0	03	00
	675	0	06	55
	676	0	14	00
Cart tract		0	00	40

1	2	3	4	5
	677	0	12	00
	Cart track	0	01	59
	757	0	09	00
	758	0	02	40
	756	0	04	32
	755	0	04	32
	709	0	20	00
	710	0	05	20

[No. O-11027/141/90-ONG-D-III]

का. आ. 1219.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2959 तारीख 6-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

इसी एस बंधार से जी. एन. एफ. सी. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मरुच तालुका : वागरा

शिव	प्लॉट नं.	हे	धार	सेन्टी.
1	2	3	4	5
वागरा	683	0	04	95
	729	0	13	08
	728	0	07	24
	730	0	07	80
	731	0	05	85
	737	0	02	10
	728/बी	0	01	40
	738	0	12	40
	720	0	21	20
	719	0	11	00

1	2	3	4	5
	718	0	13	00
	655/ऐ	0	18	50
	कार्ट ट्रैक	0	06	25
	654/बी	0	13	20
	कार्ट ट्रैक	0	04	40
	754	0	26	00
	761	0	16	40
	767	0	15	98
	792	0	07	05
	768	0	06	60
	787	0	43	10
	788	0	06	50
	786	0	08	50
	कार्ट ट्रैक	0	07	50
	774	0	05	28
	785	0	06	80
	778	0	11	10
	777	0	10	00
	779	0	00	10
	776	0	17	00
	कार्ट ट्रैक	0	07	80
	589	0	24	10
	590	0	65	00
	585	0	21	00
	591	0	09	80
	592	0	45	78
	572	0	01	95
	486	0	07	20
	487	0	13	60
	488	0	09	40
	489	0	09	01
	कार्ट ट्रैक	0	07	10
	483	0	03	24
	481	0	01	20
	482	0	21	85
	473	0	09	40
	472	0	03	45
	कार्ट ट्रैक	0	24	05
	309	0	12	10
	310	0	04	84
	313	0	16	60
	314	0	15	80
	388	0	03	00
	387	0	26	10
	386	0	05	50
	391	0	22	00
	392	0	06	62
	393	0	11	10
	380	0	19	80
	395	0	00	30
	379	0	26	80
	377	0	18	48
	376	0	00	52

S.O. 1219.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2959 dated 6-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar to GNFC

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Vagra	683	0	04	95
	729	0	13	08
	728	0	07	24
	730	0	07	80
	731	0	05	85
	737	0	02	10
	728/B	0	01	40
	738	0	12	40
	720	0	21	20
	719	0	11	00
	718	0	13	00
	655/A	0	18	50
	Cart track	0	06	25
	654/B	0	13	20
	Cart track	0	04	40
	754	0	26	00
	761	0	16	40
	767	0	15	98
	792	0	07	05
	768	0	06	60
	787	0	43	10
	788	0	06	50
	786	0	08	50
	Cart track	0	07	50
	774	0	05	28
	785	0	06	80
	778	0	11	10
	777	0	10	00
	779	0	00	10
	776	0	17	00
	Cart track	0	07	80
	589	0	24	10

1	2	3	4	5
	590	0	65	00
	585	0	21	00
	591	0	09	80
	592	0	45	78
	572	0	01	95
	486	0	07	20
	487	0	13	60
	488	0	09	40
	489	0	09	01
	Cart track	0	07	10
	483	0	03	24
	481	0	01	20
	482	0	21	85
	473	0	09	40
	472	0	03	45
	Cart track	0	24	05
	309	0	12	10
	310	0	04	84
	313	0	16	60
	314	0	15	80
	388	0	03	00
	387	0	26	10
	386	0	05	50
	391	0	22	00
	392	0	06	52
	393	0	11	10
	380	0	19	80
	395	0	00	30
	379	0	26	80
	377	0	18	48
	376	0	00	52

[No. O-11027/136/89-ONG-D-III]

का. घा. 1220.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग का अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. घा. सं. 2843 तारीख 8-10-90 द्वारा सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार किन्हीं देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

सी. पी. एफ. में टी बिन्दु तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : अमोद		
गांव	ब्लॉक नं.	हे.	घार	सेन्टी
वनीपुर	393	0	03	60
	394	0	15	60
	395	0	28	80
	397	0	16	80
	399	0	01	11
	414	0	28	80
	413	0	31	20
	412	0	28	80
	409	0	27	60
	408	0	14	40
	167	0	01	35
	166	0	05	31
	165	0	03	00

[सं. प्रो.-11027/70/90-प्रो.एन.जी.सी.-III]

S.O. 1220.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 2643 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from C.P.F. to 'T' Point

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hec-tare	Are	Centiare
Vallpur	393	0	03	60
	394	0	15	60
	395	0	28	80
	397	0	16	80
	399	0	01	11
	414	0	28	80
	413	0	31	20
	412	0	28	80
	409	0	27	60
	408	0	14	40
	167	0	01	35
	166	0	05	31
	165	0	03	00

कम. प्रो. 1211:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रो. सं. 1871 तारीख 8-6-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियां में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्राये, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

अंकन बिन्दु से सी. पी. एफ. तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात जिला : महेशाणा तालुका : कपोल

गांव	सर्वे मं.	हेक्टर	घार	सेन्टीयर
1	2	3	4	5
सईज	976	0	00	30
	977	0	02	00
	993	0	26	00
	980	0	00	80
	978/2	0	01	00
	1211	0	01	70
	1210/1	0	00	52
	1210/2	0	03	00
	1216	0	06	00
	1213/2	0	03	40
	1213/1	0	03	00
	1214/1	0	08	00
	699	0	08	00
	697/ऐ	0	08	50
	696/1	0	15	40
	700/1	0	01	50
	712 ऐ/पी	0	06	50
	690/1	0	01	50
	690/2	0	02	00
	690/4	0	00	70
	689	0	00	70
	688/2	0	00	70
	690/5	0	00	15
	688/3	0	00	80

[No. O-11027/70/90-ONG-D-III]

1	2	3	4	5
	688/4	0	03	00
	691	0	09	50
	687	0	00	80
	686/4	0	00	70
	680	0	05	00
	काटे ट्रैक	0	00	90
	654/1/ऐ	0	01	60
	654/2/ऐ	0	00	50
	654/1/बी	0	00	30
	654/2/बी	0	02	70
	658	0	01	20
	659/2	0	02	70
	659/3	0	00	25
	659/1/बी	0	03	55
	659/1/ऐ	0	00	78
	660/1	0	12	50
	661/1	0	00	25
	662/1	0	05	80
	काटे ट्रैक	0	00	70
	539/1	0	03	20
	539/2	0	02	50
	541/2	0	03	50
	542	0	09	70
	547/3	0	00	60
	547/2	0	04	50
	547/1	0	02	10
	549	0	00	60
	548/3	0	07	70
	548/1	0	01	90
	548/2	0	04	40
	552	0	06	00
	553/3	0	03	50
	553/2	0	13	30
	493/1	0	05	50
	491	0	04	20
	490/1	0	00	30
	488/4	0	02	80
	488/1/4	0	04	00
	488/1/5	0	03	20
	483/3	0	01	30
	482/1	0	00	50
	483/3/ऐ	0	02	50
	483/2/बी	0	00	90
	483/1	0	04	60
	485	0	04	30
	484	0	02	10
	476/1	0	00	90
	476/4	0	01	00
	476/3	0	01	35
	476/2	0	00	20
	462	0	09	80

S.O. 1221.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas No. 1871 dated 8-6-1988 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Junction Point to CTF Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hec- tare	Are	Cent- tiare
1	2	3	4	5
Saij	976	0	00	30
	977	0	02	00
	993	0	26	00
	980	0	00	80
	978/2	0	01	00
	1211	0	01	70
	1210/1	0	00	52
	1210/2	0	03	00
	1216	0	06	00
	1213/2	0	03	40
	1213/1	0	03	00
	1214/1	0	08	00
	699	0	08	00
	697/A	0	08	50
	696/1	0	15	40
	700/1	0	01	50
	712/A/P	0	06	50
	690/1	0	01	50
	690/2	0	02	00
	690/4	0	00	70
	689	0	00	70
	688/2	0	00	70
	690/5	0	00	15
	688/3	0	00	80
	688/4	0	03	00
	691	0	09	50
	687	0	00	80
	686/4	0	00	70
	680	0	05	00
	Cart track	0	00	90
	654/1/A	0	01	60
	654/2/A	0	00	50
	654/1/B	0	00	30

क्र.सं.	2	3	4	5
654/2/B	0	02	70	
658	0	01	20	
659/2	0	02	70	
659/3	0	00	25	
659/1/B	0	03	55	
659/1/A	0	00	78	
660/1	0	12	50	
661/1	0	00	25	
662/1	0	05	80	
Cart track	0	00	70	
539/1	0	03	20	
539/2	0	02	50	
541/2	0	03	50	
542	0	09	70	
547/3	0	00	60	
547/2	0	04	50	
547/1	0	02	10	
549	0	00	60	
548/3	0	07	70	
548/1	0	01	90	
548/2	0	04	40	
552	0	06	00	
553/3	0	03	50	
553/2	0	13	50	
493/1	0	05	50	
491	0	04	20	
490/1	0	00	30	
488/4	0	02	80	
488/1/4	0	04	00	
488/1/5	0	03	20	
483/3	0	01	30	
482/1	0	00	50	
483/2/A	0	02	50	
483/2/B	0	00	90	
483/1	0	04	60	
485	0	04	30	
484	0	02	10	
476/1	0	00	90	
476/4	0	01	00	
476/3	0	01	35	
476/2	0	00	20	
462	0	09	80	

[No. O-11027/133/88-ONG-D-III]

का.प्र. 1222 :—यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय का अधिसूचना का.प्र.सं. 2953 तारीख 25-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राथम्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और ध्याते, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है :

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार पश्चात् घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए पश्चात् अर्जित किया जाता है।

और ध्याते, इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, खोपणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चोकारी से उठेण तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : औरंगाबाद महोदय

गांव	सं०	हेक्टर	घार	सेंटीयर
खानपुर	113	0	23	45
	74	0	09	30
	70	0	01	95
	73	0	14	72
	76	0	20	85
	77	0	01	54
	92	0	31	45
कार्ट ट्रैक	0	03	40	
	44	0	18	70
	43	0	18	10
	42	0	15	60
	41	0	10	60
कार्ट ट्रैक	0	03	12	
	182	0	06	80
कार्ट ट्रैक	0	00	96	
	189	0	11	05
	183/2	0	01	10
	188	0	09	90
कार्ट ट्रैक	0	01	60	
	191	0	19	37
	192	0	07	60
	194	0	12	00
	193	0	00	04

[सं. ओ-11027/90/89-ओ.एन.जी.-डी-III]

S.O. 1222.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 2953 dated 25-11-1989 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari to Undera

State : Gujarat District : Taluka : Vadodara

Village	Survey No.	Hec- tare	Are	Centi- tiare
Khanpur	113	0	23	45
	74	0	09	30
	70	0	01	95
	73	0	14	72
	76	0	20	85
	77	0	01	54
	92	0	31	45
	Cart track	0	03	40
	44	0	18	70
	43	0	18	10
	42	0	15	60
	41	0	10	60
	Cart track	0	03	12
	182	0	06	80
	Cart track	0	00	96
	189	0	11	05
	183/2	0	01	10
	188	0	09	90
	Cart track	0	01	60
	191	0	19	37
	192	0	07	60
	194	0	12	00
	193	0	00	04

[No. O-11027/90/89-ONG-D-III]

का. प्रा. 1223.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिन अधिनियम, 1962 (1962 का 5) की धारा 3 की उपधारा (1) के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्रा.सं. 3139 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का प्रस्ताव घोषित कर दिया था।

और यतः संघम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन सरकार को रिपोर्ट दे दी है।

और प्राये, यतः केन्द्रीय सरकार उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूचित में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूचित में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश होती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस प्राधान्य में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

1077 GI/91-4

अनुसूची

एन. के. एच. एम से एन. के. जी. जी. एन. 1 तक/राइस लाइन

बिछाने के लिए।

राज्य : गुजरात जिला : महदाबाद तालुका : विरमगम

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
तेलावी	209/60	0	19	56
	209/58	0	05	88
	209/55	0	05	16
	209/50	0	04	80
	209/47	0	05	28
	209/25	0	12	68
	209/20	0	09	60
	209/11	0	03	96

[नं. ओ. 11027/132/90-ओ.एन.जी.पी.-III]

S.O. 1223.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 3139 dated 24-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from NKHM to NK GGS I

State : Gujarat District : Ahmedbad Taluka : Viramgam

Village	Survey No.	Hec- tare	Are	Centi- tiare
Telavi	209/60	0	19	56
	209/58	0	05	88
	209/55	0	05	16
	209/50	0	04	80
	209/47	0	05	28
	209/25	0	12	68
	209/20	0	09	60
	209/11	0	03	96

[No. O-11027/132/90-ONG-D-III]

का. प्रा. 1224.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संचालन की अधिसूचना का. प्रा.सं. 32 तारीख 6-1-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः अधिनियम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते हुए पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी. एन. जी. डी. से ई. पी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	ताल्लुका : वाग्रा			
गांव	ब्लॉक नं.	हे.	आर.	सेंटीयर	
गंधार	322/ए-बी	0	89	44	

[सं. ओ-11027/165/89-ओ.एन.जी.डी.-II]

S.O. 1224.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 32 dated 6-1-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNDG to E.P.S.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centi- are
Gandhar	322/A-B	0	89	44

[No. O-11027/165/89-ONG-D-III]

का. प्रा. 1225.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधिनियम भारत सरकार पेट्रोलियम और प्राकृतिक गैस संचालन की अधिसूचना का. प्रा.सं. 104 तारीख 13-1-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः अधिनियम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी. एन. जी. डी. से ई. पी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	ताल्लुका : वाग्रा			
गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेंटीयर	
चानबेल	284	01	32	04	

[सं. ओ-11027/175/89-ओ.एन.जी.डी.-III]

S.O. 1225.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 104 dated 13-1-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNDC to EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centi- tiare
Chanchwel	284	01	32	04

109	0	16	80
110	0	10	50
113	0	12	00
114	0	14	55
86	0	00	25

[No. O-11027/175/89-ONG-D-III]

[सं. ओ.-11027/148/89-ओ.एन.जी.सी.-III]

का. आ० 1226.—यत्. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3036 तारीख 20-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत्. मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत्. केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग, में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

रामोल जी. एस. एस. से रिलायन्स उद्योग तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुक : दसकाई

गांव	सर्वे नं.	हेक्टेयर	आरे	सेंटीयर
मेहमदपुर	63	0	19	50
	64	0	26	40
	72	0	22	50
	71	0	09	00
	70	0	02	30
	69	0	14	40
	82	0	20	40
	85	0	06	00
	89	0	10	80
	87	0	08	40
	88	0	10	80
	94	0	16	80
	106	0	15	00
	105	0	00	30
	107	0	01	80

SCHEDULE

PIPELINE FROM RAMOL GCS TO RELIANCE INDUSTRIES

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Survey No.	Hec- tare	Are	Centi- tiare
Memadpur	63	0	19	50
	64	0	26	40
	72	0	22	50
	71	0	09	00
	70	0	02	30
	69	0	14	40
	82	0	20	40
	85	0	06	00
	89	0	10	80
	87	0	08	40
	88	0	10	80
	94	0	16	80
	106	0	15	60
	105	0	00	30
	107	0	01	80
	109	0	16	80
	110	0	10	50
	113	0	12	00
	114	0	14	55
	86	0	00	25

[No. O-11027/148/89-ONG. D-III]

का. भा. 1227.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (7) के अधीन भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 783 तारीख 27-2-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार की पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची।

नवागाम सीटीएफ से कोयली रीफाइनरी तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : खेड़ा ताल्लुक : धार्णव

गांव	सर्वे नं	हेक्टेयर	आर	सेंटीआर
वासद	15/6	0	14	80
	15/9	0	02	28
	15/7	0	11	50
	15/10	0	22	00
	15/13	0	02	80
	15/11	0	06	00
	956	0	24	00
	29/1	0	05	50
	29/2	0	08	00
	25	0	14	00
	26	0	22	00

[सं. मो -11027/8/90-ओ.एन.जी. डी.-III]

S.O. 1227.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas So. No. 783 dated 27-2-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM NAVAGAM CTF TO KOYALI REFINERY

State : Gujarat District : Kheda Taluka : Anand

Village	Survey No.	Hec-tare	Are	Centiare
Vasad	15/6	0	14	80
	15/9	0	02	28
	15/7	0	11	50
	15/10	0	22	00
	15/13	0	02	80
	15/11	0	06	00
	956	0	24	00
	29/1	0	05	50
	29/2	0	08	00
	25	0	14	00
	26	0	22	00

[No. O—11027/8/90—ONG. D-III]

का भा. 1228.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (7) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 2634 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार की पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची				
जी.एन.सी.क्यू. से जी.एन.ए.क्यू. हेडर तक पाइप लाइन बिछाने के लिए।				
राज्य : गुजरात जिला : भरुच तालुका : जंबुसर				
गांव	ब्लॉक नं.	हे.	अर.	सेंटीमीटर
वसिटा	159	0	16	05
	158	0	10	40
	148	0	17	64
	147	0	18	18
	146	0	02	24
		0	05	20
	208	0	00	12
	209	0	13	52
	210	0	06	24
	211	0	04	16
	212	0	08	84
	213	0	07	10
	214	0	04	94
	215	0	10	66
		0	01	30
	307	0	07	48
	306	0	05	52
	309	0	13	65
	296	0	09	62

[सं. आ-11027/82/90-ओ.एन.जी.सी.-III]

S.O. 1228.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2634 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM ONCQ TO GNAQ HEADER

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hec-tare	Are	Centiare
Vanseta	159	0	16	05
	158	0	10	40
	148	0	17	64

1	2	3	4	5
	147	0	18	16
	146	0	02	24
	Cart track	0	05	20
	208	0	00	12
	209	0	13	52
	210	0	06	24
	211	0	04	16
	212	0	08	84
	213	0	07	10
	214	0	04	94
	215	0	10	66
	Cart track	0	01	30
	307	0	07	48
	306	0	05	52
	309	0	13	65
	296	0	09	62

[No. O. 11027/82/90—ONGD-III]

का.प्र. 1229—यतः पेट्रोलेियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलेियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र.सं. 3152 तारीख 24-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग कर हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्णय लेती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अधिसूचना

जी. एन. ए.क. टी. से जी. एन. ई. ए.क. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर				
गांव	ब्लॉक नं.	हेक्टर अर	सेंटीयर	
गंधार	321	0	36	14

[सं. आ-11027/115/90-ओ.एन.जी.सी.-III]

S.O. 1229.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas C.O. No. 3152 dated 24-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNFT to GNEH.

State : Gujarat District : Bharuch Taluka : Vagra.				
Village	Block No.	Hec-tare	Are	Centiare
Gandhar	321	0	36	14

[No. O—11027/115/90—ONG. D-III]

का. भा. 1230—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 3061 तारीख 17-11-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एल. डब्ल्यू. एच. म्यू. से खनबा ईपीएस-II तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाणा तालुका : चोतरमा				
गांव	सर्वे नं.	हेक्टेयर आर.	सेंटी	र
ककासना	193	0	08	64
	192	0	06	00

[नं. ओ-11027/133/90-ओ.एन.जी.-डी.-III]

S.O. 1230.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3061 dated 17-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from LWHQ to LANWA EPS-II

State : Gujarat District : Mehsana Taluka : Chanasma

Village	Survey No.	Hec-tare	Are	Centiare
Kakasana	193	0	08	64
	192	0	06	00

[No. O—11027/133/90—ONG. D-III]

का. भा. 1231—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 3247 तारीख 5-12-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ने-397 के अधीन आने वाले 5 तक पाइपलाइन स्थलों के लिए।

राज्य: गुजरात जिला: मेहसाणा तालुका: कलोल

गांव	सर्वे नं.	हेक्टर	घर.	सेंटियार
बदावस्वामी	100	0	09	00
	107	0	13	50
	106	0	07	50
	104/2	0	01	70
	100	0	05	80
	101	0	17	40

[सं. ओ.-11027/1/89-ओ.एन.जी.सी.-III]

S.O. 1231.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3247 dated 5-12-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Piepline from K—397 to GGS 5

State : Gujarat Dist : Mehsana Taluka : Kalol

Village	Survey No.	Hec- tare	Are Centiare
Wadavswami	100	0	09 00
	107	0	13 50
	106	0	07 50
	104/2	0	01 80
	100	0	05 70
	101	0	17 40

[No. O—11027/159/89—ONG. D-III]

का.आ. 1232:—यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2632 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सज्जम प्राधिकारी में उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट जमीनों में का अधिकार केन्द्रीय सरकार में निहित होने का बजायने और प्राकृतिक गैस उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने का बजायने और प्राकृतिक गैस उपयोग में सहायता के लिए एतद्वारा अर्जित करने का प्रकाशन की हवा जारी की निहित होती है।

अनुसूची

का.एन.ए. न्यू (बदलाव) में नक्शा-1 होकर तक पाईप लाईन बिछाने के लिए।

राज्य: गुजरात जिला: अहमदाबाद तालुका: अहमदाबाद

श्लोक नं.	हे.	घर.	सेन्टी	
1	2	3	4	5
आमरसा	245	0	10	92
	248	0	02	60
	247	0	15	60
	249	0	12	48
	250	0	13	52
	255	0	00	90
	256	0	08	32
	257	0	06	24
	258	0	04	16
	259	0	02	60
	260	0	06	24
	278	0	05	20

[सं. ओ.-11027/80/90-ओ.एन.जी.सी.-III]

S.O. 1232.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2632 dated 6-10-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNAY (Shifted) To NADA—1 Header
State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hec- tare	Are	Centiare
Aasarsa	245	0	10	92
	248	0	02	60
	247	0	15	60
	249	0	12	48
	250	0	13	52
	255	0	00	96
	256	0	08	32
	257	0	06	24
	258	0	04	16
	259	0	02	60
	260	0	06	24
	278	0	05	20

[No. O—11027/80/90—ONG. D-III]

का.आ. 1233 :—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.में 26.17 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस प्रायोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

पी.ए.ए.ए. से ए.के.सी.एल./ए.बी.जी.एल.टी. शिखर तक पाईप लाईन बिछाने के लिए।

राज्य:	गुजरात	जिला:	बड़ोदा	तालुका:	करजण
गांव	ब्लॉक नं.	हे.	आर.	सेंटी.	
	1	2	3	4	5
मकल	373	0	46	68	
	372	0	05	60	
	371	0	12	80	
	370	0	31	20	

[सं. ओ.-11027/77/90-ओ.एन.बी.जा.-III]

S.O. 1233.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2637 dated 6-10-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from PAAA To AKCL/ABGL 'T' Point

State : Gujarat District : Vadodara Taluka : Karjan

Village	Block No.	Hec- tare	Are	Centiare
Makal	373	0	46	68
	372	0	05	60
	371	0	12	80
	370	0	31	20

[No. O—11027/77/90—ONG. D-III]

का.आ. 1234 :—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.में 29.20 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाश की इस तारीख को निहित होगा।

अनुसूची

इ.पी.एन. गंधार से जी.एन.एफ.सी. तक पाईप लाईन बिछाने के लिए।

राज्य: गुजरात जिला: भरुच तालुका: वाग्रा

गाँव	ब्लॉक नं.	ह.	आर.	सेन्टी.
1	2	3	4	5
पहाज	492	0	07	60
	490	0	26	40
	488	0	14	10
	487	0	10	00
	486	0	07	00
	485	0	12	00
	480	0	16	87
	478	0	46	53
	477	0	29	20
	451	0	06	50
	452/ए + बी	0	32	10
	453	0	10	50
	443	0	32	40
	441	0	11	60
	440	0	10	00
	425	0	00	75
	426	0	32	15
	421	0	16	60
	392	0	11	50
	393	0	03	80
	394	0	08	60
	396	0	24	00
	401	0	37	20
	412	0	06	40
	405	0	07	80
	406	0	18	24
	404	0	01	32
काटेदेक	0	15	20	
357	0	47	00	
747	0	10	80	
746	0	31	90	
744	0	67	00	
719	0	11	30	
718	0	48	20	
717	0	11	80	
काटेदेक	0	12	52	
28	0	65	60	
37	0	21	04	
35	0	10	83	
34	0	16	30	
33	0	04	10	
33	0	28	20	

S.O. 1234.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2920 dated 1-11-1989 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar To GNFC.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Pahaj	492	0	07	60
	490	0	26	40
	488	0	14	10
	487	0	10	00
	486	0	07	00
	485	0	12	00
	480	0	16	87
	478	0	46	53
	477	0	29	20
	451	0	06	50
	452/A+B	0	32	10
	453	0	10	50
	443	0	32	40
	441	0	11	60
	440	0	10	00
	425	0	00	75
	426	0	32	15
	421	0	16	60
	392	0	11	50
	393	0	03	80
	394	0	08	60
	396	0	24	00
	401	0	37	20
	412	0	06	40
	405	0	07	80
	406	0	18	24
	404	0	01	32
	Cart track	0	15	20
	357	0	47	00
	747	0	16	80
	746	0	31	90
	744	0	67	00
	719	0	11	30
	718	0	48	20

[सं. प्रो.-11017/124/89 मो.एन.जी.सी.-III]

1	2	3	4	5
	717	0	11	80
	Cart track	0	12	52
	28	0	65	60
	37	0	21	04
	35	0	10	83
	34	0	16	30
	32	0	04	10
	33	03	28	20

[No. O—11027/124/89—ONG.D-III]

का. आ. 1235.--यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2957 तारीख 6-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यह उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

इ.पी.एस. गंधार से जी.एन.एफ.सी. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात	जिला और तालुका:	अवस्थ
गांव	ब्लॉक नं.	हे. मार. सेन्ट.
1	2	3 4 5
महुधका	385	0 24 00
	384 (384)	0 25 00
	376	0 06 12
	383	0 02 80
	381	0 03 46
	380	0 04 93
	378	0 03 70
	379	0 04 35
	377	0 02 56
	कार्ट ट्रैक	0 02 16
	208	0 06 90

1	2	3	4	5
	207	0	76	76
	204	0	16	80
	205	0	08	68
	213	0	36	20
	215	0	02	88

[सं. ओ. 11027/134/89-ओ.एन.जी-III]

S.O. 1235.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2957 dated 6-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar To GNFC

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hectare	Are	Centiare
Mahudhala	385	0	24	00
	384	0	25	00
	376	0	06	12
	383	0	02	80
	381	0	03	46
	380	0	04	93
	378	0	03	70
	379	0	04	35
	377	0	02	56
	Cart track	0	02	16
	208	0	06	90
	207	0	06	76
	204	0	16	80
	205	0	08	68
	213	0	36	20
	215	0	02	88

[No. O—11027/134/89—ONG. D-III]

का.आ. 1236.--यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2928 तारीख 1-11-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश होती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

इ.पी.एस. गंधार से जे.एन.एफ.सी तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात जिला तथा तालुका: भरुच

गांव	ब्लोक नं.	हे.	घ्रा.	सेन्टी.
1	2	3	4	5
दयादरा	106	0	06	00
	104	0	04	62
	103	0	08	10
	102	0	01	57
	100	0	12	30
	101	0	14	40
	93	0	40	40
	90	0	16	40
	89	0	16	70
	87	0	00	20
	86	0	23	00
	77	0	13	40
	78	0	07	40
	79	0	05	60
	80	0	09	10
	71	0	10	10
	70	0	03	15
	60	0	24	40
	63	0	07	80

[सं. ओ.-11027/132/89-ओ.एन.जी.डी-III]

S.O. 1236.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2928 dated 1-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from EPS Gandhar To GNFC.

State : Gujarat District : Bhauruch Taluka : Bharuch

Village	Block No.	Hec-tare	Are	Centiare
Dayadara	106	0	06	00
	104	0	04	62
	103	0	08	10
	102	0	01	57
	100	0	12	30
	101	0	14	40
	93	0	40	40
	90	0	16	40
	89	0	16	70
	87	0	00	20
	86	0	23	00
	77	0	13	40
	78	0	07	40
	79	0	05	60
	80	0	09	10
	71	0	10	10
	70	0	03	15
	60	0	24	40
	61	0	07	80

[No. O—11027/132/89-ONG. D-III]

का.आ. 1237.--यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2926 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न में अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

इ.पी.एस. गंधार से जी.एन.एफ.सी. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात जिला तथा तालुका: भरुच

गाँव	सर्वे नं.	हेक्टे- यर	आगे	सेन्टी- यर
1	2	3	4	5
देरील	419	0	04	02
	420	0	45	58
	77	0	23	30
	423	0	10	50
	425	0	25	90
	455	0	45	90
	452	0	18	98
	450	0	23	10
	451	0	08	20
	449	0	14	90
कार्ट ट्रैक		0	06	60
	584	0	11	90
	586	0	54	25
	587	0	01	05
	589	0	72	79
	576	0	00	56
	573	0	32	40
कार्ट ट्रैक		0	04	40
	550	0	44	50
	536	0	09	00
	525	0	15	40
	528	0	15	90
	526	0	06	36
	527	0	18	80
	519	0	06	60
	518	0	05	20
कार्ट ट्रैक			04	00
50/बी-ए		0	17	00
60/बी-ए		0	39	70
62		0	23	90
63		0	58	20
64		0	11	00

[सं. प्रो.-11027/130/89-प्रो.एन.जी.सी.-III]

S.O. 1237.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2926 dated 1-11-59 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the

right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From EPS Gandhar To GNFC.

State : Gujarat District & Taluka : Bharuch

Village	Block No.	Hec- tare	Are	Centi- tare
1	2	3	4	5
Derol	419	0	04	02
	420	0	45	58
	77	0	23	30
	423	0	10	50
	425	0	25	90
	455	0	45	90
	452	0	18	98
	450	0	23	10
	451	0	08	20
	449	0	14	90
	Cart track	0	06	60
	584	0	11	90
	586	0	54	25
	587	0	01	05
	589	0	72	79
	576	0	00	56
	573	0	32	40
	Cart track	0	04	40
	550	0	44	50
	536	0	09	00
	525	0	15	40
	528	0	15	90
	526	0	06	36
	527	0	18	80
	519	0	06	60
	518	0	05	20
	Cart track	0	04	00
	50/B-A	1	17	00
	50/B-A	0	39	70
	62	0	23	90
	63	0	58	20
	64	0	11	00

[No. O—11027/130/89—ONGD-III]

का.अ. 1238:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम

और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2925 तारीख 1-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सश्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

इ.पी.एस्. गंधार से जी.एन.एफ.सी. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात जिला: भरुच तालुका: वागरा

गाँव	ब्लॉक नं.	हे.	घारे.	सेन्टी.
1	2	3	4	5
चांचवेल	1175	0	22	20
	1174	0	05	20
	1176	0	19	80
	1177	0	28	10
	1169	0	17	60
	1170	0	16	40
	931	0	03	20
	930	0	01	33
	933	0	14	50
	928	0	03	84
	754	0	22	40
	753	0	90	10
	752	0	10	13
	677	0	03	30
	678	0	43	00
	680	0	00	17
	676/ए+बी	0	30	03
	684	0	11	00
	686	0	25	70
	683	0	02	70
	687	0	11	88
	636	0	15	24
	635	0	18	01
	634	0	10	16
	640	0	38	80
	641	0	23	82
	517	0	11	98
	507	0	02	75
	516	0	10	25

1	2	3	4	5
	515	0	26	40
	511	0	20	20
	463	0	16	80
	461/ए+बी	0	13	00
	472	0	08	00
	474	0	31	80
	405	0	54	30
	काटेद्रेक	0	03	60
	398	0	27	00
	396	0	00	20
	397	0	11	80
	391	0	03	15
	1328	0	05	65
	1327	0	22	40
	1326	0	39	20
	390	0	11	00
	389	0	26	60
	282	4	12	80
	284	1	99	40

[सं.प्रो.-11027/129/89-प्रो.एन.जी.सी.-III]

S.O. 1238.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2925 dated 1-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM EPS GANDHAR TO GNFC.

State : Gujarat District : Bharuch Taluka : Varga

Village	Block No.	Hectare	Are	Centi-are
1	2	3	4	5
Chanchwel	1175	0	22	20
	1174	0	05	20
	1176	0	19	80
	1177	0	28	10
	1169	0	17	60
	1170	0	16	40

1	2	3	4	5
	931	0	03	20
	930	0	01	33
	933	0	44	50
	928	0	03	84
	754	0	22	40
	753	0	90	10
	752	0	10	13
	677	0	03	30
	678	0	43	00
	680	0	00	17
	676/A+B	0	30	03
	684	0	11	00
	686	0	25	70
	683	0	02	70
	687	0	11	88
	636	0	16	24
	635	0	18	01
	634	0	10	16
	640	0	38	80
	641	0	23	82
	517	0	11	98
	507	0	02	75
	516	0	10	25
	515	0	26	40
	511	0	20	20
	463	0	16	80
	461/A+B	0	13	00
	472	0	08	00
	474	0	31	80
	405	0	54	30
	Cart track	0	03	60
	398	0	27	00
	396	0	00	20
	397	0	11	80
	391	0	03	15
	1328	0	05	65
	1327	0	22	40
	1326	0	39	20
	390	0	11	00
	389	0	26	60
	282	4	12	80
	284	1	99	40

[No. O-11027/129/89-ONG. D-III]

का.आ. 1239:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3146 तारीख 24-11-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बलोल-6 से बलोल-4 तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात

जिला और तालुका मेहसना

गांव	सर्वेयर	हेक्टेर	आर.	सेन्टी
				यर

1	2	3	4	5
बलोल	1769	0	01	65
	1770	0	10	33
	1771/पी	0	10	80
	1772/2	0	06	45
	1772/1	0	03	30
	1848	0	21	00
	1847	0	06	45
	1846	0	06	00
	1845/1	0	17	40
	1843/2	0	00	40
	1844	0	10	20
	काटेद्रेक	0	00	75
	1878	0	11	70
	काटेद्रेक	0	00	75
	1394	0	17	55
	1393/2	0	09	60
	1393/1	0	10	95
	1392	0	00	85
	1388/2	0	11	10
	1385	0	10	35
	1380	0	11	10
	1379	0	18	15
	1326	0	07	95
	1325	0	00	90
	1300	0	20	70
	1303/2	0	01	50
	1302	0	10	85
	काटेद्रेक	0	01	85
	1287	0	12	15
	काटेद्रेक	0	00	60
	1286	0	05	55
	1280	0	08	25
	1281	0	04	50
	1279	0	13	05
	1277	0	14	70
	798	0	13	50
	797	0	09	00
	793/1	0	10	85
	788	0	14	85
	786	0	01	80

[सं. आ.-11027/15 0/89-ओ.एच.जी.सी. III]

S.O. 1239.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3146 dated 24-11-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM BALOL-6 TO BALOL-4. 3

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centi-are
1	2	3	4	5
Balol	1769	0	01	65
	1770	0	10	35
	1771/P	0	10	80
	1772/2	0	06	45
	1772/1	0	03	30
	1648	0	21	00
	1647	0	06	45
	1646	0	06	00
	1645/1	0	17	40
	1643/2	0	00	40
	1644	0	10	20
	Cart track	0	00	75
	1678	0	11	70
	Cart track I	0	00	75
	1394	0	17	55
	1393/2	0	09	60
	1393/1	0	10	95
	1392	0	00	95
	1386/2	0	11	10
	1385	0	10	35
	1380	0	11	10
	1379	0	18	15
	1326	0	07	95
	1325	0	00	90
	1300	1	20	70
	1303/2	0	01	50
	1302	0	10	65
	Cart track	0	01	65
	1287	9	12	15
	Cart track	0	00	60

1	2	3	4	5
	1286	0	05	55
	1280	0	08	25
	1281	0	04	50
	1279	0	13	05
	1277	0	14	70
	796	0	13	50
	797	0	09	00
	793/1	0	10	65
	788	0	14	85
	786	0	01	80

[No. O—11027/150/89—ONG. D—III]

का.आ.सं. 1240—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की धारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संज्ञा. अधिसूचना का.आ.सं. 2653 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बी.जे.ए.के. से जी एन.बी.आई. (हिटर) तक पाईप लाईन बिछाने के लिए।

राज्य: गुजरात	जिला-भरुच	तालुका: वाकरा			
गांव	ब्लॉक नं.	हे.	घर.	सेन्टी.	
1	2	3	4	5	
पनीमाखरा	गाडा दाढ	0	02	60	
	251	0	07	54	
	249	0	14	56	
	192	0	04	94	
	190	0	03	80	
	191	0	01	14	
	188/प/बी	0	26	00	

1	2	3	4	5
	185	0	07	80
	187/ए	0	22	88
	181	0	08	32
	180	0	06	76
	179	0	17	68
	178/पी	0	35	36
	177	0	08	32
	715	0	08	32
	714	0	09	36
	713	0	09	88
	712	0	01	14
	711	0	06	50
	718	0	18	72
	708	0	12	48
	709	0	15	60

[सं. प्रो.-11027/89/90-आ.एन.जी.ई.-III]

S.O. 1240.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2653 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM DJAK TO GNBI HEADER

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centi-are
1	2	3	4	5
Paniyadara	Cart track	0	02	60
	251	0	07	54
	249	0	14	56
	192	0	04	94
	190	0	03	80
	191	0	01	14
	188/1/B	0	26	00
	185	0	07	80
	187/A	0	22	88
	181	0	08	32
	180	0	06	76
	179	0	17	68

1	2	3	4	5
Paniyadara	178/P	0	35	36
	177	0	08	32
	715	0	08	32
	714	0	09	36
	713	0	09	88
	712	0	01	14
	711	0	06	50
	718	0	18	72
	708	0	12	48
	709	0	15	60

[No. O-11027/89/90-ONG. D-III]

का.आ. 1241.—यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम के अधिकांश का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस आयोग का अधिसूचना का.आ.में. 853 तारीख 7-4-90 द्वारा केन्द्रिय सरकार ने उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का आदेश घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अब, आगे उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रिय सरकार एाद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एाद्वारा अर्जित किया जाता है।

और आगे उन धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार निर्देश देती है कि इन भूमियों में उपयोग का अधिकार केन्द्रिय सरकार में निहित होने का बजाय तब और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गंधार से घुवारण तक पाइप लाइन बिछाने के लिए।

गांव	सर्वे.सं.	हे.	आर.	सेन्टी.
1	2	3	4	5
वागु	69/2	0	01	00
	69/3	0	12	11
	69/4	0	05	04
	69/5	0	02	48

[सं. प्रो.-11027/25/90-आ.एन.जी.ई.-III]

S.O. 1241.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 853 dated 7-4-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended

to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GANDHAR TO DHUVARAN

State : Gujarat	District : Kheda	Taluka : Borsad			
Village	Survey No.	Hectare	Are	Cen-	tiaie
Kalu	69/2	0	01	00	
	69/3	0	12	11	
	69/4	0	05	04	
	69/5	0	02	48	

[No. O-11027/25 90 ONG.D-III]

का.प्र. 1242—यहां पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस विभाग की अधिसूचना का.प्र. 2629 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मूल्य अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइनों का बिछाने के लिए अर्जित करने का अपना आणख घोषित कर दिया था।

और यहाँ सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दी है।

और अतः, यहाँ केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पतावात इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उस अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

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और अतः उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बचाव तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डी. एन. एन से बी. जी. सी. एस० तक पाईप लाईन बिछाने लिए।

राज्य-गुजरात	जिला-खेडा	पाटका-बोर्सद			
गांव	सं. न.	हे.	आर.	सेन्टी	
देहवाण	590	0	01	10	
	392	0	02	24	
	424	0	09	22	
	431/3	0	04	00	
	536	0	02	88	
	537/2	0	00	25	
	537/4	0	02	59	
	548/1	0	03	29	
	548/2	0	01	68	
	549/2	0	03	78	
	609/1	0	03	50	
	609/2	0	02	80	
	609/3	0	06	30	

[सं. ओ-11027/64/90-ओ. एन. जी. सी-III]

S.O. 1242.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 2629 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM DHN TO K-GGS

State: Gujarat	District - Kheda	Taluka : Borsad		
Village	Survey	Hec- tare	Are	Centi are
Dehwan	390	0	01	10
	392	0	02	24
	424	0	09	22
	431/3	0	04	00
	536	0	02	88
	537/2	0	00	25
	537/4	0	02	59
	548/1	0	03	29
	548/2	0	01	68
	549/2	0	03	78
	609/1	0	03	50
	609/2	0	02	80
	609/3	0	06	30

[No. O-11027/64/90-ONG.D-III]

का.प्र. 1243—यतः पेट्रोलियम और खनिज वाहपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. सं. 2652 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में भूमियों में उपयोग के अधिकार को वाहपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट से दी है।

और प्राये यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार वाहपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में सभी बाधाओं से मुक्त रूप में, बोवणा के प्रकाशन की इस तारीख का निहित होगा।

अनुसूची

डी ज ए के से जी एन की घाई (हीटर) तक वाहप लाइन बिछाने के लिए।

राज्य-गुजरात	जिला-बरध	तालुका-बागरा			
गांव	ब्लॉक नं.	हे.	आर.	सेन्टीयर.	
मलावर	30	0	13	00	
	37	0	07	28	
	38	0	19	76	
	39	0	09	36	
	40/के	0	09	62	
	40/ए	0	03	38	
	76/ए/बी	0	14	56	
	102	0	10	40	
	103	0	05	20	
	104	0	10	40	
	101	0	01	95	
	106/ए	0	11	70	
	112	0	14	56	

[सं. प्री-11027/87/90-एन.जो. की III]

S.O. 1243.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2652 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE					1	2	3	4	5
PIPELINE FROM DJAK TO GNBI HEADER						655/3	0	01	61
State : Gujarat	District : Bharuch	Taluka : Vagra				656/1	0	04	20
Village	Block	Hectare	Are	Centi-are		656/2	0	00	25
Aladar	30	0	13	00		658/1	0	00	28
	37	0	07	28		660	0	00	28
	38	0	19	76		659	0	04	00
	39	0	09	36		663	0	01	68
	40/K	0	09	62		699/(2) 5	0	06	51
	40/A	0	03	38		699/1	0	03	57
	76/A/B	0	14	56		682/1	0	04	00
	102	0	10	40		682/2	0	02	10
	103	0	05	20		681/3	0	04	00
	104	0	10	40		678	0	03	75
	101	0	01	95		677/1	0	00	55
	106/A	0	11	70		675	0	02	49
	112	0	14	56		676	0	03	71
[No. O-11027/87/90. ONG.D-III]						127/1	0	02	45
का. प्रा. 1244.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय इस अधिसूचना का. प्रा. सं. 2633 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को, बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।						128/1	0	01	82
और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।						130	0	00	24
और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।						129/1	0	03	00
अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।						131/2	0	01	00
और प्रागे उस प्रा. की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस प्रायोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख का निहित होगा।						131/3	0	02	52
अनुसूची						134/2	0	06	23
धुपारस से के.जी.ओ. एस. तक पाइप लाईन बिछाने के लिए।						134/1	0	00	25
राज्य : गुजरात	जिला:खड़ग	तालुका : श्यामनाथ				144	0	04	27
गांव	सं. नं.	हे.	घार.	सेन्टी		143	0	04	55
1	2	3	4	5		147	0	06	58
खडोडी	655/1	0	02	94		152+153	0	08	82
	655/2	0	01	19		151/1	0	01	47
						165	0	07	35
						167	0	01	40
						गाडा पाट	0	02	77
						168	0	05	81
						168/2	0	01	54
						गाडा पाट	0	00	28
						232/1	0	03	20
						232/2	0	03	20
						230/2	0	01	00
						226	0	01	00
						225	0	03	22
						कार्ट ट्रेक	0	00	48

S.O. 1244.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2633 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM DHUVARAN TO KGGS

State : Gujarat District : Kheda Taluka : Khamhat

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Khadodi	655/1	0	02	94
	655/2	0	01	19
	655/3	0	01	61
	656/1	0	04	20
	656/2	0	00	25
	658/1	0	00	28
	660	0	00	28
	659	0	04	00
	663	0	01	68
	699/(2)5	0	06	51
	699/1	0	03	57
	682/1	0	04	00
	682/2	0	02	10
	681/3	0	04	00
	678	0	03	75
	677/1	0	00	55
	675	0	02	49
	676	0	03	71
	127/1	0	02	49
	128/1	0	01	82
	130	0	00	24
	129/1	0	03	00
	131/2	0	01	00
	131/3	0	02	52
	134/2	0	06	23
	134/1	0	00	25
	144	0	04	27

1	2	3	4	5
Khadodi	143	0	04	55
	147	0	06	58
	152+153	0	08	82
	151/1	0	01	47
	165	0	07	35
	167	0	01	40
	Cart track	0	02	77
	168/1	0	05	81
	168/2	0	01	54
	Cart track	0	00	28
	232/1	0	03	20
	232/2	0	03	20
	230/2	0	01	00
	226	0	01	00
	225	0	03	22
	Cart track	0	00	48

[No. O-11027/81/90-ONG D-IH]

का. आ. 1245 -- यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का- आ. सं. 2646 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

सी. पी. एफ. से. टी बिम्बु तथा पाईप लाईन बिछाने के लिए।
राज्य:- गुजरात जिला:- मरुच तालुका -- वागरा

गांव	ब्लॉक नं.	हे.	घार.	सेन्टी.
बाचवेल	878	0	39	60
	866	0	14	40
	863/ए/बी	0	34	80
	803	0	19	20

1	2	3	4	5
चांचवल	805	0	09	60
	804	0	36	00
	800	0	02	40
	807	0	24	00
	810	0	43	20
	811/ए/बी	0	04	80
		0	02	40

[सं. ओ. 11027/73/90--ओ. एन. जी.डी.-III]

S.O. 1245.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2646 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM C.P.F. TO 'T' POINT.

State : Gujarat District : Bharuch Taluka :- Vagra

Village	Block No.	Hec- tare	Are	Centi- are
Chanchwel	878	0	39	60
	866	0	14	40
	865/A/B	0	34	80
	803	0	19	20
	805	0	09	60
	804	0	36	00
	800	0	02	40
	807	0	24	00
	810	0	43	20
	811/A/B	0	04	80
	Cart track	0	02	40

का. धा. 1245--यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संवाहक की अधिसूचना का. धा. त. 2645 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना अग्रण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए तेल और प्राकृतिक गैस प्रायोग से सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जो. एन. सी. क्यू. से जो. एन. ए. क्यू. कीडर तक पाइप लाइन बिछाने के लिए।

राज्य:- गुजरात जिला:- भरुच तालुका:- वजरा

गांव	ब्लॉक नं.	हे.	आर.	सेरटी
मकीबाव	131/2	0	26	00
	131/3	0	05	00
	131/1	0	29	70
	135	0	00	40
	114	0	06	50
	115	0	00	18
	113	0	07	28
	112	0	14	70
	119	0	02	20
	120/ए	0	08	45
	108	0	00	30
	69	0	06	50
	33	0	22	70
	33/बी	0	08	40
	21	0	14	66
	20	0	08	50
	19	0	19	76

S.O. 1246.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2645 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GNCQ TO GNAQ HEADER

State : Gujarat	District : Bharuch	Taluka : Jambusar			
Village	Block No.	Hectare	Acre	Centiare	
Nadiyad	131/2	0	26	00	
	131/3	0	05	00	
	131/1	0	29	70	
	135	0	00	40	
	114	0	06	50	
	115	0	00	18	
	113	0	07	28	
	112	0	14	70	
	119	0	02	20	
	120/A	0	08	45	
	108	0	00	30	
	69	0	06	50	
	33	0	22	70	
	33/P	0	08	40	
	21	0	14	66	
	20	0	06	50	
	19	0	19	76	

[No. O-11027/72/90-ONG.D-III]

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार प्राप्त करने का निश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की दृष्टि से और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, योग्य क प्रकाश को इस तारीख को निहित होगा।

अनुसूची

श्री. एच. एन. से. के. जी. जी. एस. तक पार्श्व लाईन बिछाने के लिए।

राज्य:- गुजरात

जिला:- खेडा

तालुका:- बोरसाद

गांव	स.नं.	हे.	घार	सेन्टी
कंकापुरा	328/1	0	04	34
	328/2	0	02	52
	327/1 पी	0	00	35
	328	0	01	89
	325/पी	0	03	72
	325/पी	0	00	25
	327/पी	0	04	00
	391/पी	0	01	89
	391/पी	0	02	10
	398	0	03	85
	401/1-5	0	01	00
	399/1+2/8	0	02	66
	399/1+2/1	0	04	20
	399/1-5	0	01	25
	399/3	0	03	84
	430/1	0	03	20
	533	0	04	20
	535/पी	0	02	00
	535/पी	0	04	27

[सं. ओ.-11027/65/90--जी. एन. जी. जी.-III]

के. विवेकानन्द, डेस्क अधिकारी

का. जा. 1247.—यतः केन्द्रीय सरकार ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संस्थान की अधिसूचना का.जा.सं. 2630 तारीख 6-10-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

S.O. 1247.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2630 dated 6-10-90 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire

the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section

(4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM DHN TO K-GGS

State : Gujarat District : Kheda Taluka : Borsad

Village	Survey No.	Hec-tare	Acre	Cent-tiare
Kankapura	328/1	0	04	34
	328/2	0	02	52
	327/1P	0	00	35
	326	0	01	89
	325/P	0	03	72
	325/P	0	00	25
	327/P	0	04	00
	391/P	0	01	89
	391/P	0	02	10
	398	0	03	85
	401/1 to 5	0	01	00
	399/1+2	0	02	60
	6			
	399/1+2	0	04	20
	1			
	399/1 to 5	0	01	25
	399/3	0	03	64
	430/1	0	03	20
	533	0	04	20
	535/P	0	02	00
	535/P	0	04	27

[No. O-11027/65/90-ONG. D-III]

K. VIVEKANAND, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 27 मार्च, 1991

का. घा. 1248 :—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् से परामर्श करते-के पश्चात्, उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित संशोधन करती है, अर्थात् :—

“राजस्थान” शीर्षक के अंतर्गत में 13व तथा उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित नई और प्रविष्टियां अन्तः स्थापित की जाएगी, अर्थात् :—

1	2	3	4
“13 वष राजस्थान विश्वविद्यालय	बैचलर ऑफ होम्योपैथिक मेडिसिन एण्ड सर्जरी	बी. एच. एम. एम.	1990 से 1993

[नं. बी. 27021/35/89-होम्यो.]
भार. के. मुखी, निदेशक

नोट :—सूच्य अधिसूचना भारत के राजपत्र भाग-1 खण्ड-II में 20 दिसम्बर, 1973 का. घा. सं. 78 में अधिसूचित की गई थी।

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 27th March, 1991

S.O. 1248.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following amendment in the Second Schedule to the said Act, namely :—

Under the heading ‘Rajasthan’ after item 130 and the entries relating thereto, the following item and entries shall be inserted, namely :—

1	2	3	4
“13 DD. University of Rajasthan	Bachelor of Homoeopathic Medicine & Surgery	B.H.M.S.	From 1990 to 1993

[No. V. 27021/35/89-Homoeo]

R.K. MUKHI, Director

Note : The Principal Notification was notified in S.O. No. 76 dated 20-12-1973 in Part II Section I of Gazette of India.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 अप्रैल, 1991

का. घा. 1249 :—एक चित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) तथा चलचित्र (प्रमाणन) नियम-वली 1983 के नियम 7 और 8 में प्रदत्त शक्तियों का प्रयोग करते हुए, तथा इसी विषय पर पूर्व अधिसूचनाओं का अधिग्रहण करते हुए, केन्द्रीय सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली महाकाय पैमल का पुनर्गठन करती है तथा निम्नलिखित व्यक्तियों को दिनांक 15 अप्रैल, 1991 से अगले आदेशों तक इस पैमल के सदस्य के रूप में नियुक्त करती है :—

1. श्रीमती नीरजा गुलेरी
2. श्रीमती बर्मता नंद कुमार
3. श्रीमती माला कुमार
4. श्री बी. एन. तिबारी
5. श्रीमती श्यामा सिन्हा
6. नवाब जफर हमीद जंग
7. श्री टी. एम. माथर

8. श्री. मरेश्वर पांडे
9. श्री. प्रानंद कुमार
10. श्री. बाई. के. रंजन
11. डॉ. पी. एस. घोष
12. श्री शिव जटिया
13. श्री शक्तिश्र. श्रद्धामय
14. श्री वेद प्रकाश शरण
15. श्री आर. के. सिन्हा
16. श्री विमल कुमार
17. श्री पाण्डे प्रभु दयाल
18. श्री ओंकार सिंह पाण्डे
19. डा. धीरेंद्र कुमार
20. श्री एम. के. साल्वा
21. श्रीमती वरुना श्रीवास्तव
22. डॉ. पुरुषोत्तम एम.

2. उपर्युक्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार यह भी निर्देश देती है कि केन्द्रीय फिल्म प्रमाणन बोर्ड के उपर्युक्त दिल्ली सलाहकार पैनल का पुनर्गठन होने की तारीख से पैनल के मौजूदा सदस्य इसके सदस्य नहीं रहेंगे।

[फा. सं. 814/11/90-एफ (सी)]

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 9th April, 1991

S.O. 1249.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) and Rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of the earlier Notification on the subject the Central Government is pleased to reconstitute the Delhi Advisory Panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 15th April, 1991 and until further orders :—

1. Smt. Nirja Guleri
2. Smt. Vasantha Nandakumar
3. Smt. Mala Kumar
4. Shri B. N. Tiwary
5. Mrs. Shyama Sinha
6. Nawab Zafar Hameed Jung
7. Shri T. N. Nair
8. Prof. Narendra Pandey
9. Prof. Anand Kumar
10. Shri Y. K. Ranjan
11. Dr. P. S. Ghosh
12. Shri Shiv Jatia
13. Shri Shakil Ahamed
14. Shri Ved Prakash Sharan
15. Shri R. K. Sinha
16. Shri Bimal Kumar
17. Shri Pandey Prabhu Dayal
18. Shri Onkar Singh Thapar
19. Dr. Dharendra Kumar
20. Shri S. K. Anand
21. Mrs. Vandana Srivastav
22. Dr. Purshothaman M.

2. In exercise of the aforesaid powers, the Central Government also directs that with the reconstitution of the Delhi Advisory Panel of the Central Board of Film Certification as mentioned above, the existing members of the panel shall cease to be members of the panel with effect from the same date.

[F. No. 814/11/90-F(C)]

नई दिल्ली, 19 अप्रैल, 1991

का.आ. 1250.—व्यक्ति अधिनियम, 1952 (1952 का 37) की धारा 5.3 की उपधारा (1) और 3 के साथ पठित चर्चित (प्रमा-

नियम, 1983 के नियम, 43 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस मंत्रालय की दिनांक 19-4 के समसंख्यक अधिसूचना के अनुक्रम में, केन्द्रीय सरकार आचार्य प्रभाकर मिश्र, सी-121, कीर्ति नगर, नई दिल्ली, को, एतद्वारा इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से तीन वर्ष की अवधि के लिए या अवधि आदेश होने तक, इनमें से जो भी पहले हो, फिल्म प्रमाणन अपीलीय अधिकरण में सदस्य के रूप में नियुक्त करती है।

[फाइल सं. 816/2/90-एफ. (सी.)]

एम. एस. सेठी, डेस्क अधिकारी

New Delhi, the 19th April, 1991

S.O. 1250.—In exercise of the powers conferred by sub-sections (1) and (3) of section 5D of the Cinematograph Act, 1952 (37 of 1952), read with rule 43 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's notification of even number dated 19th April, 1991, the Central Government hereby appoints, Acharya Prabhakar Mishra, C-121, Kirti Nagar, New Delhi as a member of the Film Certification Appellate Tribunal, for a period of three years commencing from the date of publication of this notification in the Official Gazette or until further orders, whichever is earlier.

[File No. 816/2/90-F(C)]
M. S. SETHI, Desk Officer

जल-भूतल परिवहन मंत्रालय

(नौवहन मंत्रालय)

(वाणिज्य पोत परिवहन)

बम्बई, 19 अप्रैल, 1991

का. आ. 1251 वाणिज्य पोत परिवहन (नौवहन रोजगार कार्यालय) नियम, 1986 के नियम 3 के साथ पठित, भारत सरकार, जल-भूतल परिवहन मंत्रालय की अधिसूचना संख्या एम डब्ल्यू/एम डब्ल्यू एम-10/85-एम टी, दिनांक 22 अप्रैल, 1988 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नौवहन मंत्रालयक एतद्वारा कप्तान ए. बत्रा, महाप्रबंधक जी, कप्तान जी. के. सरकारी के स्थान पर नियुक्त करने हैं तथा भारत सरकार, जल-भूतल परिवहन मंत्रालय नौवहन मंत्रालय की अधिसूचना सं. का. आ. 2734 दिनांक 5-10-1990 में निम्नलिखित संशोधन करते हैं :—

उक्त अधिसूचना के क्रमांक 12 के सामने की प्रविष्टि में कप्तान जी के सरकारी के स्थान पर कप्तान ए. बत्रा का नाम प्रतिस्थापित किया जाएगा।

[सं. ए. 24 (1) मंत्रालय /90]

एम. के. प्रसाद, नौवहन उप मंत्रालयक

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

(MERCHANT SHIPPING)

Bombay, the 9th April, 1991

S.O. 1251.—In exercise of the powers conferred by rule 3 of the Merchant Shipping (Seamen's Employment Office) Rules, 1986 read with the Notification of the Government of India, Ministry of Surface Transport No. SW/MWS-40/85-MT dated the 22nd April, 1988, the Director General of Shipping hereby appoints Capt. A. Batra, General Manager in place of Capt. G. K. Sarkari and makes the following amendment to the Notification of the Government of India in the Ministry of Surface Transport, Directorate General of Shipping No. S.O. 2734 dated 5th October, 1990 as follows :—

In the said Notification in the entry against Sr. No. 12 Capt. G. K. Sarkari shall be substituted by Capt. A. Batra.

[No. A-24(1) CR/90]

N. K. PRASAD, Dy. Director General of Shipping

नई दिल्ली, 9 अप्रैल, 1991

का० प्रा० 1252.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दुर्ग राजनंद गाँव ग्रामीण बैंक, राजनंदगाँव के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम मंत्रालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

New Delhi, the 9th April, 1991

S.O. 1252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, cum-Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Durg Rajnanda-Gaon Gramin Bank Rajanandgaon and their workmen, which was received by the Central Government on 8-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(138)/1989

PARTIES :

Employer in relation to the management of Durg Rajnandagaon Gramin Bank, M.P. Housing Board, Shopping Centre, G. E. Road, Rajnandagaon, District Durg (M.P.) and their workmen, represented through the N.O.B.W. T. N. 323, Bandhuanara, Near Purana Power House, Bilaspur-495004 (M.P.).

APPEARANCES :

For Workmen.—None.

For Management.—Shri R. Menon, Advocate.

INDUSTRY : Banking. DISTRICT : Durg (M.P.).

AWARD

Dated, March 19, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12011/4-89, I R Bank, I. dated 27th July, 1989, for adjudication of the following dispute :—

"Whether action of management of Durg Rajanandagaon Gramin Bank in not promoting UDCs with 4 years services as UDCs w.e.f. 1-1-85 as per guidelines issued by NABARD vide letter No. IDD/RRB/IOC/64/316 (Gen) 84785 dated 31-12-84 is justified? If not, to what relief the workmen are entitled?"

2. Management filed its statement of claim along with certain documents. The reference order was received in August 1989. The Central Government had also sent the reference order to the parties. On receipt of the reference order this Tribunal has also issued notices to the parties. But no one took care to appear and participate in the proceedings on behalf of the workmen. Statement of claim has also not been filed on behalf of the workmen as yet.

3. Since nobody is taking interest to prosecute the case on behalf of the workmen I have no option but to record a no dispute Award. Award is made accordingly.

No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-12011/4/89-IR(Bank-I)]

1077 GI/91—7.

का.प्रा. 1253.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इन्दोर, भोपाल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम मंत्रालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

S.O. 1253.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Indore, Bhopal and their workmen, which was received by the Central Government on the 8-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(104)/1989

PARTIES :

Employers in relation to the management of State Bank of Indore, Bhopal and their workman, Shri Kamallesh Kumar Vyas, Clerk C/o Shri M. K. Dubey 17, Kisan Ganj, Haji Mohalla, Mohidpur, Distt. Ujjain-456443.

APPEARANCES :

For Workman.—None.

For Management.—Shri K. N. Pethia, Advocate.

INDUSTRY : Banking DISTRICT : Bhopal (M.P.).

AWARD

Dated : March 18, 1991

By Notification No. L-12012/51/89-IR(D 3) dated 2nd May, 1989 the following dispute was referred to this Tribunal for adjudication :—

"Whether the action of the Regional Manager, State Bank of Indore in not giving an opportunity to Sh. Kamallesh Kumar Vyas, Clerk whose services were terminated after 13-12-1984 for further employment while recruiting fresh hands under Section 25-H of the I.D. Act. is justified? If not, to what relief is the workman entitled to?"

2. In this case, it appears that none of the parties is interested in prosecuting their respective cases as neither party has filed any statement of claim. Workman has never appeared inspite of several notices to him. On behalf of the management appearance is made through their Counsel.

3. Since neither party is interested in prosecuting their respective case I record a no dispute Award and make no order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-12012/51/89-IR(B III)]

नई दिल्ली, 12 अप्रैल, 1991

का. प्रा. 1254.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम मंत्रालय जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

New Delhi, the 12th April, 1991

For the management—Shri B. P. Bhagat.

S.O. 1254.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-Cum-Labour Court, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen which was received by the Central Government on 11-4-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

I.D. 117/89

Suresh Kumar Vs. State Bank of India.

For the workman.—None.

For the management—Shri B. P. Bhagat.

AWARD

Central Govt. vide gazette notification No. L-12012/20/89-IR(B) 3 dated 25th July 1989 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Suresh Kumar :

“Whether the action of the management of State Bank of India in relation to their Faridabad branch in terminating the services of Shri Suresh Kumar, sub staff w.e.f. 5-2-1986 is just fair and legal ? If not, to what relief the workman concerned is entitled to ?”

2. On the last date of hearing i.e. 22-2-1991 none made representation on behalf of the workman nor the workman himself appeared. Repeated registered notices were sent to the workman but none appeared on behalf of the workman. Therefore, present reference is dismissed for non-prosecution. Chandigarh
Camp at Delhi.
18-3-1991

ARVIND KUMAR, Presiding Officer
[No. L-12012/120/89-IR(B-III)]

का. प्रा. 1255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

S.O. 1255.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 11-4-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
LABOUR COURT, CHANDIGARH

I.D. No. 44/90

Shri Rajendra Prasad

Vs.

State Bank of India

For the workman—Workman in person.

AWARD

Central Government vide Gazette notification No. L-12012/266/89-I.R. (B. III) dated 29-3-90 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Rajendra Prasad:

“Whether the action of the Management of State Bank of India in relation to their Faridabad Branch in terminating the services of Shri Rajendra Prasad, ex-Casual Labour w.e.f. 24-5-84 and then not offering him an opportunity for permanent employment in the services of the Bank is just and fair? If not, to what relief the workman is entitled to and from which date?”

2. Mr. Rajinder Prashad has made a statement that another reference No. I.D. 20/90 on the same subject is pending in this Court and he has stated that he does not want to pursue with the present reference. In view of the statement made by the workman, reference is returned as withdrawn. Ministry of Labour be informed.
Chandigarh.

Camp at Delhi.

18-3-1991.

ARVIND KUMAR, Presiding Officer
[No. L-12012/266/89-IR(B-III)]
S. C. SHARMA, Desk Officer

नई दिल्ली 10 अप्रैल, 1991

का. प्रा. 1256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

New Delhi, the 10th April, 1991

S.O. 1256.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation Ltd., and their workmen, which was received by the Central Government on the 9-4-91.

ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL
AT BOMBAY

(PRESIDING OFFICER : JUSTICE S. N. KHATRI)

REFERENCE NO. NTB-1 OF 1989

Parties :

Employers in relation to the management of Food Corporation of India.

AND

Their workmen.

Appearances :

For the Management.—Shri Arora.

For the Workmen.—Shri Jagsingh, Advocate.

Industry.—Food.

Bombay, the 1st day of April, 1991

AWARD

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947.

"Whether the action of the Management of Food Corporation of India in not granting the same wages, status and other benefits of service conditions as of the departmental workers to the food handling workers employed in their direct payment system depots (as per Annexure) is fair and justified? If not, to what relief and service conditions, the workmen are entitled and the date from which they are so entitled?"

Initially Shri Justice M. S. Jamdar was appointed the Presiding Officer of the Tribunal under section 7B of the Act. After his retirement, a fresh notification was issued by the Central Government on 4-1-1990 appointing me in his place.

2. The Food Corporation of India (hereafter the 'Corporation') was constituted under Food Corporation Act, 1964. Before the advent of this Act, the activities of the Corporation were being managed departmentally by the Ministry of Food at the Centre. The Corporation started their activities in 1965. For administrative convenience, they have divided the country into five Zones (North, South, East, West and Northeast). These Zones are further divided into 21 regions. There are about 2000 depots dispersed throughout the length and breadth of the Country. Some of these depots are owned by the Corporation, while others are taken on hire. Initially the Corporation had adopted the system of appointing Contractors for Food handling, which includes loading, unloading, stacking and other allied laborious jobs. In 1970 and 1971 the Corporation departmentalised about four thousand Workmen in West Bengal and Bihar regions. According to the Food Corporation of India Workers Union (hereafter the 'Union') who are asposing the cause of Workmen in the present reference, a settlement was reached between them and the Corporation on 23rd May 1973, under which the latter agreed to departmentalise 17 self-owned depots spread over Bihar, U.P., Orissa, Assam and Delhi regions. The names of these places are given in the agreement Ex. W-1. This departmentalisation was to come off by 15-6-1973. As regards other self-owned and hired depots in the aforesaid regions, the Corporation undertook to abolish the contract labour system and introduce 'Direct Payment System' (for short 'DPS'), whereunder the Handling Labour were to be treated as direct employees of the Corporation. This was to be done by 15-6-1973. Further the self-owned depots were to be formally departmentalised by November 1973. The grievance of the union is that the Corporation went back on its commitment, with the result that by year 1984, DPS was prevailing in only 41 depots and complete departmentalisation in 39. It appears that there was one more system known as 'Labour Mate System' under which the so-called Mate (as distinguished from the contractor) of a gang of 14 handling mazdoors used to receive payment of the entire gang's wages from the Corporation and distribute them to the members who were his co-workers (and not servants as in Contract Labour System). On an industrial dispute raised by the present union in respect of handling mazdoors of 14 depots having this Labour Mate System, the National Tribunal Bombay presided over by Dr. Justice Tulpule held in NPB Reference 2 of 1985 that these mazdoors were direct employees of the Corporation and as such entitled to bonus on par with departmentalised Labour. After the award was given in that reference on 24th December, 1985, the Union and the Corporation reached a settlement on 3rd July, 1986 whereby the Corporation abolished Labour Mate System in these 14 depots and introduced DPP. The final position now is that DPS prevails in 55 depots (listed in the annexure to the order of reference) and full departmentalisation in 39. It is the handling mazdoors in the aforesaid 55 depots that we are concerned with in the present reference.

3. Here I may pause a little to refer to two settlements between the parties the first dated 25-5-1984 and the second dated 7-11-1988 under which the Corporation guaranteed a minimum monthly wage of Rs. 600/- and 780/- respectively to each DPS Mazdoor. The Corporation are taking the stand that these settlements estop the Union from raising this dispute. As against this the Union relies upon them to show that

the DPS Mazdoors are direct employees of the Corporation and are entitled to be treated on par with departmentalised Labour. The Union deny that they had any time given up their ultimate goal of total departmentalisation of Labour and are therefore estopped from pressing the same in this Reference. On consideration of all material facts, the Union urges, the DPS labour deserve to be brought on par with the departmentalised labour. Both are doing substantially identical work and are therefore entitled to the same wage and perks on the principle, "equal work, equal wages." They have stated the job details of the two categories in para 14 of their statement of claim. The Union claims that retrospective effect may be given to the Award from the year the workmen of a particular depot were brought under the DPS.

4. The Corporation resist the claim in toto. They have raised preliminary objections. In the first place they point out that after referring the dispute to this Tribunal, the Central Government has issued a notification on 29th June, 1989 (Ex. M-1) under section 10(1) of the Contract Labour (Regulations and Abolition) Act, 1970 (hereafter Contract Labour Act) prohibiting employment of Contract Labour in all the 55 depots under reference. This action of the Government, the Corporation urge, forecloses the entire issue before this Tribunal and thereby renders the reference otiose, illegal and void. The second objection is that the settlement of 7-11-1988 is to be operative for four years and as such estops the Union from pressing their claim in these proceedings. The third objection is that at least so far as 3 depots (out of 55) at Dhankanal, Jharsuguda and Kesinga are concerned, the Industrial Tribunal at Bhubaneswar has in Reference No. 9 of 1987 and 5 of 1978 given an award on 29-9-1987 that DPS Mazdoors are not entitled to be treated on par with departmentalised Labour and this decision will operate as Res Judicata. When this Tribunal reached Delhi for recording of evidence, the Corporation filed an application on 25-3-1990, raising still one more objections on the ground that the decision of the Supreme Court in Writ Petition No. 13508/83 dated 1-3-1985 operates as constructive Res Judicata, so far as the present claim is concerned. I am dealing with this objection in paras 10 to 16 infra.

5. On merits, the Corporation denies that the DPS handling Mazdoors are their direct employees and that they are entitled to be treated on par with departmentalised Labour. According to them the duties of the two categories are not comparable. The Corporation laments that their experience with the experiment of departmentalising 39 depots has been disappointing and the present move of the Union is not justified on merits and will be against public interest. They point out that the cost of departmentalised Labour is as high as 5 times that of DPS Labour and that the Corporation will have to bear an additional financial burden to the tune of 15.5 crores of rupees per year, if the Union's demand is acceded to and that this will ultimately be passed on to the ordinary consumer. They have dealt with a number of minor aspects, including different Labour systems prevailing in different depots. I shall refer to these aspects as, and when they emerge in due course. Suffice it to say at present that the Corporation are denying the claim in toto on merits too.

6. Both sides have filed further pleadings in the shape of rejoinder and sur-rejoinder, but these do not go beyond reiterating their respective stands adumbrated above.

7. I shall naturally first deal with the preliminary objections raised by Shri Arora for the Corporation. By its notification dated 29-6-1989 (Ex. M-1) the Central Government, after consulting the Central Board, has admittedly prohibited for good the employment of contract labour for jobs done by the handling mazdoors in the 55 depots under consideration. Indeed, this change had already been effected by the parties by agreement. The Government has done not go beyond putting its seal of permanency on this arrangement. The subject matter of this reference is entirely different from that of the notification in its field of operation. I fail to appreciate the submission of Shri Arora as to how the notification forecloses the question before me, which is whether the DPS labour is entitled to be treated on par with the departmentalised labour, so far as their wage structure is concerned. It is also difficult to appreciate the alternative limb of the Corporation's submission that the Government could not have legally issued the notification during the pendency of this reference.

Without diluting further, I reject both limbs of the Corporation's first objection. Both the reference and the Notification stand intact in their own places.

8. The next objection is that the reference is not maintainable because of the two earlier settlements dated 24-3-1984 and 7-11-1988, L.A. M-2 and M-3, particularly the latter one which is admittedly to remain in force upto 31-8-1992. The settlement of 7-11-1988 is given retrospective effect from 1-7-1988. For this submission that the present reference is barred by the latter settlement or at least the Union stands estopped from pursuing the reference during the pendency of that settlement, Shri Arora relies on paras 14 and 15 of the settlement which are extracted below for ready reference.

"14. The FCI Workers Union shall unconditionally and immediately withdraw Court Order and Industrial disputes, if any, pending connected with the above matters i.e. increases of minimum guaranteed wages or ASOR wages or arrears wages for Holidays/Sundays.

15. However, this settlement is without any prejudice to the interests of any of the parties (i.e. FCI Workers Union or the Food Corporation of India) in any dispute or case pending in any Court or Law or Tribunal or any authority connected with the demand of the FCI Workers Union for equal pay/other benefits for equal work or departmentalisation or DPS workers."

9. The items covered by other terms of the settlement are: (a) raising of the minimum guaranteed wage from Rs. 20 to Rs. 20 per day (that is, from Rs. 600 to Rs. 780 per month) (b) hike in piece rate wages (c) revision of sick leave facility from 7 days to 10 in a year, (d) demarcation of surplus DPS labour for better utilisation by their transfer to other depots; (e) expediting payment of unpaid arrears of Sunday/Holiday wages for the period June 1984—December 1988; and (f) steps to ensure increased productivity by preventing Labour from adopting go-slow and similar tactics. It will be seen that the question of bringing DPS labour on par with the departmentalised Labour, is not touched in the settlement even with a pair of tongs. On the other hand, para 15 is meant to dispel any possible lurking doubt on that aspect. According to Shri Arora, under para 15, what is saved is only litigation pending on 7-11-88 and not prospective litigation relating to the demand of parity. I do not agree. When paras 14 and 15 are read together in the backdrop of the other terms, the only reasonable interpretation is that while pending litigation relating to "increase of minimum guaranteed wages, or ASOR wages or arrears of wages for holidays/Sundays" has to be withdrawn by the Union their right to pursue the present litigation and initiate fresh litigation in future, relating to their demand of parity with the departmentalised labour remains intact, totally unaffected by the settlement. To cut the long short, in my humble opinion, para 15 is not restrictive in operation against the Union, but recognises its right to go in for adjudication on their demand of parity whenever it is disposed to do so. Eventually I over rule the second objection of the Corporation also.

10. I now come to the Corporation's objection based on the Supreme Court decision in Writ Petition No. 13508/83. Ex. M-9 and 10 are respectively the copies of the Union's petition and the Court's judgement. According to Shri Arora, the Union had raised a plea in the petition that the contract labour as well as well as the DPS labour are entitled to wage structure on par with the departmentalised labour and had expressly made a prayer for relief on this aspect. He urges that the Supreme Court, while directing the various State Governments to appoint Committees under section 5 of the Contract Labour Act to advise them on the principal question raised by the Union, as to whether it was necessary to prohibit employment of contract labour and take action as considered necessary under section 10 of the Act, declined to make any orders on the other issue of parity between the DPS and departmentalised and contract labour. In the circumstances, contends Shri Arora, the present reference is barred on the principle of Res Judicata.

11. As against this, Shri Singh for the Union submits that the issue about the parity was not at all dealt with, much

less decided, by the Supreme Court in the Writ Petition for want of materials. The only question decided was that the State Governments, and not the Central Government, were the appropriate Government for the purposes of the Contract Labour Act and that because none of them (except Madhya Pradesh Government) had appointed committees as contemplated by section 5 of the Act, the Supreme Court issued mandamus to these Governments to appoint the said committees and take decision under section 10(1) of the Act within a fixed time schedule, whether it was necessary to abolish contract labour in any of the Corporation establishments falling within their limits. Against this backdrop, Shri Singh submits, the omission of the Supreme Court to decide the question of parity was obviously due to paucity of materials requisite materials and does not, therefore, attract the operation of Res Judicata.

12. The learned Counsel of both sides have cited quite a few decisions, expounding the law of Res Judicata in its application to industrial adjudication. It cannot be disputed that the general principle as distinguished from the statutory provisions of section 11 of the Code of Civil Procedure does apply to industrial adjudication on the basis of the maximum interest rei publicae ut sit finis litium: vide 1957 1 L.L.J. 220 (230) Burn and Company Ltd. vs. their employees (SC). It was however recognised that if later there was a change in the circumstances on which the prior decision was based, the question of Res Judicata would not arise. An obvious example would be revision of wage structure, where element of constant spiralling of prices and the ideal of living wage would have their own significance. I must also take note of another leading case of the Supreme Court reported in 1964 11 L.L.J. 380 (383-384) Workmen of Balmer Lawrie and Co. Ltd. Vs. the aforesaid Company and the pertinent observations of Gajendragadkar J. (as he then was) which I would like to reproduce verbatim.

"While dealing with the question about revision of wage-scales, it is necessary to remember that the technical considerations of res judicata should not be allowed to hamper the discretion of industrial adjudication. It is undoubtedly true that wage-scales are devised and wage-structures constructed as matters of long term policy, and so, industrial adjudication would naturally be reluctant to interfere with the wage-structures without justification or in light-hearted manner. When a wage-structure is framed, all relevant factors are taken into account and normally it should remain in operation for a fairly long period; but it would be unreasonable to introduce considerations of res judicata as such, because for various reasons which constitute the special characteristics of industrial adjudication the said technical considerations would be inadmissible*** the principle of gradual advance towards the living wage, which industrial adjudication can never ignore, itself constitutes such a special feature of industrial adjudication that it renders the application of the technical rule of res judicata singularly inappropriate."

13. I think the correct legal position as adumbrated above, by and large, holds good today also and I shall be guided by the same. After all, extremely technical considerations, usually invoked in civil proceedings, may not be allowed to outweigh substantial justice to the parties in an industrial adjudication. The focal aspect to be kept in view is the real character of the controversy between the parties and promotion of Industrial peace and harmony. This then will be my approach.

14. I have gone through the Unions petition and the Supreme Court judgment (Ex. M-9 and M-10) more than once to be sure whether the Court has indicated its opinion even remotely on the question of parity. I do agree that the petition does make averments that all the three categories of labour—Contract DPS and departmentalised—should be treated on par for the purposes of wage structure. I also see that out of the total 11 prayers made in the petition, two prayers (iv) (vi) do relate to this aspect. However when the petition which runs into 67 pages and 80 paragraphs is read as a whole, the burden of the Union's grievance is that the Central Government and the State Governments are playing hide and seek, in that neither accept their responsibilities under the Contract Labour Act as 'appropriate Government' and are shifting their responsibility to the other. As a result the Union has to run

from pillar to post, to know with which Government they should deal for redressal of their grievances arising out of breach of the provisions of the Act by the contractor as well as the appropriate Government. The entire thrust of the averments is to get a decision from the Court as to who are the appropriate Government and secure consequent directions to the Government concerned to fulfil their obligations under the Act. That is why, apart from the Corporation, the Central and all State Governments were impleaded as respondents. The judgement is manifest that the Court took note of the miserable plight in which the Governments had landed the labour by their indecision on the vital issue and rank inaction. The Court took a detailed review of the relevant provisions of the Contract Labour Act and other Acts concerned and came to the conclusion that the State Governments were the 'appropriate Government' in respect of the establishment/s of the Corporation located within their respective limits, and gave necessary directions to them to constitute committees under section 5 of the Act and take necessary action under section 10 of the Act, if they were satisfied that it was necessary to prohibit contract labour in any establishment. The matter rested there only. When the Court remarked that the materials before it were scanty and insufficient to give further reliefs, it was, in my humble opinion, principally referring to the shying away of the Central and State Governments from carrying out their obligations under the Contract Labour Act and resultant absence of any materials in the shape of reports of committees/Advisory Board. I am sure the Court was not referring to absence of evidence on the question of parity between the departmentalised Labour and DPS Labour, de hors factors arising under the Contract Labour Act. I am also clear in my mind that the Court did not at all go into the question of parity. Nor do the parties appear to have addressed arguments on this aspect. The whole stress was on the Contract Labour Act. In the circumstances, I cannot persuade myself to hold that because the Court did not record any finding on the question of parity, it impliedly rejected the Union's plea in that regard. Resultantly the question of parity cannot be held to be concluded by Res Judicata.

15. Assuming my above view is wrong, events that have followed 1-3-85, the day on which the Supreme Court handed down its decision, constitute material changes in the circumstances, warranting a fresh look at the question. I may mention these briefly. Ex. W-2 is the judgement dated 24-12-1985 in N.T.R. No. 2/85, holding that the labour employed under the system 'Labour Mate System' in 14 out of the 55 DPS depots, are direct employees of the Corporation and that they were entitled to get ex-gratia payment in lieu of bonus, on par with the departmentalised Labour. By a settlement of 3-7-1976 the Corporation formally recognised the status of the Labour in these 14 depots as DPS Labour. Meanwhile the Contract Labour Act was amended by the Central Government and the definition of 'appropriate Government' was brought on par with that under the Industrial Disputes Act with effect from 28-1-1986. In other words, with effect from that date, the Central Government became the 'appropriate Government' for the Corporation for the purposes of the Contract Labour Act also. A tripartite Committee came to be appointed by the Central Government to make recommendations on the question of abolition of Contract Labour, culminating in that Government's Notification dated 26-6-89 under section 10(1) of the Act, abolishing Contract Labour in the 55 depots under consideration. This committee is popularly called after its Chairman's name Asnani.

16. Then there is the settlement dated 7-11-1988 (Ex. M-3), whereunder the Corporation expressly recognised the right of the Union to agitate the question of parity between BES and departmentalised labour. Till 25-3-1990 on which date the Corporation filed their application at Delhi raising the objection of Res. Judicata, it does not appear to have taken the stand on any previous occasion that the question of parity had been decided for good against the Union on 1-3-1985 by the Supreme Court. I think all these significant events which have taken place after 1-3-1985 do constitute material alterations in the circumstances in which the Supreme Court had given its decision. For this reason also, I will have to consider the question of parity afresh in this reference. Accordingly I find that the Supreme Court decision does not operate as Res. Judicata.

17. Now the question of Res. Judicata, with regard to the three depots—Dumkhal, Jharsuguda and Kesinga, Ex. M-7 is the award. Its perusal—particularly at paras 19 and 20, will show that the Tribunal had expressly rejected the plea of the Corporation that the Handling Labour working in these depots were not entitled to the status of DPS labour. It however did not record the further finding that they were entitled to parity with the departmentalised labour for the reasons coming place in para 20 of the award. It appears that the Corporation and the Union had agreed at the meetings of their representatives held on 11th and 12th March 1974 that a certain number of labourers in the aforesaid depots would be treated as departmentalised labour with effect from 1-11-1973. This was however subject to a check up to be carried out by the parties with regard to the strength of the Labour to be departmentalised. Because this follow-up action was not taken, the Tribunal rejected the Union's claim granting the Workers relief on par with the departmentalised Labour. It was thus seen that the parties had in fact agreed to give parity to a substantial number of Labour. But unfortunately for the workers, the follow up action was not taken up, and they lost their claim before the Tribunal. In the circumstances mentioned, I cannot persuade myself to hold that the decision operates as Res Judicata. I find accordingly.

18. This clears the decks for consideration of the dispute on merits. Both sides have led oral as well as documentary evidence. Shri Ganguli, MW-1, Senior Regional Manager, Bihar region, Shri R. C. Bhaskar, MW-2, Joint Manager, Finance, Head Quarters, New Delhi and Shri Bisht, MW-3, Deputy Manager, Industrial Relations, Labour, New Delhi have filed their affidavits on behalf of the Corporation. They have been cross-examined by Shri Singh for the Union. On behalf of the Union, Shri Muridhar Sheshman, WW-1, a handling Mazdoor working in Shalimar Depot, Calcutta (departmentalised labour), Shri Laxmidhar Datta, WW-2, a handling Mazdoor working in the Orient Jute Mills Depot in West Bengal (of DPS category) and Shri H. P. Singh WW-3, who has been working as General Secretary of the Union since 1970 and who had also worked as Sardar in the Shalimar Depot from 1970 to 1984, have filed their affidavits. Shri Arora for the Corporation cross examined them. The evidence of Ganguli Bhaskar, Sheshman and Laxmidhar was recorded at Delhi; while the remaining two witnesses were examined at Bombay. The parties have filed a number of documents, which inter alia include a few previous awards of Industrial Tribunals and a copy of Asnani Committee's report (Ex. M-8). The documents filed by the Corporation and the Union bear the distinguishing letter 'M' and 'W' respectively.

19. On the question whether the work done by a handling Mazdoor under the DPS and in departmentalised depots is identical, hardly any dispute survives after the evidence. The common pattern in vogue under both systems is that a group of 14 workers—called 'a gang'—works as a unit. The leader of the gang is called the Sardar, assisted by a Mandal or Munshi. The rest of the 12 Labour manually do the job of handling bags of foodgrains etc. To each depot are attached a few ancillary labour for carrying out comparatively less strenuous operations like cleaning loose grains and filling them in bags and fumigation etc. Ganguli has given the details of the work handled by a handling Mazdoor in para 14 of his cross-examination. The main items are unloading of grain or sugar bags (standard weight of each bag being 95 kilograms) from trucks, stacking them inside the sheds through the weight bridge, and delivery of the bags to the recipients through the Weigh-bridge. In para 18 of his cross-examination he has admitted in express terms that 'the modalities and nature of handling operations carried out in departmentalised depots are the same as stated in respect of the 55 depots under reference'. I, therefore, do not consider it necessary to go into the details of the remaining evidence of the two handling Mazdoor and H. P. Singh on this aspect. Even the finding of the Asnani Committee is the same. Accordingly I hold that the work done by the labour in the DPS and departmentalised depots is identical in all material respects.

20. Although at one stage, the Corporation were ambivalent on the question whether the effective control over the DPS Mazdoor is of the Corporation, no valid doubt survives on this aspect also, after the admission of Ganguli in para 20 of the cross-examination to the effect that the "DPS staff works under the direction, control and supervision of the F.C.I. Management". When the deposition was read out to him after the close of the cross-examination, he pointed out that what he had actually deposed to was, "the DPS staff works under the direction, control and supervision of the F.C.I. Management through the Sardars". I will proceed on the basis that the admission given by him was in these words only. Yet, I do not think that it makes any material difference, so far as the final aspect is concerned, namely, whether or not the master-employee relationship exists between the Corporation and a DPS handling Mazdoor. Apart from Ganguli's admission, there is over-whelming documentary evidence to the same effect. I shall sketchily advert to it below.

21. It is not in dispute that the Corporation is the Pay Master of DPS labour. Identical unit of labour (gang), with the Sardar and the Mandal at the top, as mentioned in para 19 supra, operates in the departmentalised depots also. There is substantial identity in almost all matters—small or big—relating to the administration and the operations of the two systems, except, of course, the wage structure. The Union have filed specimens of identity cards issued by the Corporation to the labour working under the two systems (Ex. M-8 and W-3), booking slips showing how work is allotted to the gangs (Ex. W-10 and 11), wage slips and wage payment sheets (Ex. W-12 and 13) and payment sheets of bonus (Ex. W-17 and 18) to the two categories of labour. All these bear out near absolute identity. So far as the effective and direct control of the Corporation is concerned it is pertinent to note that even sick leave is granted to DPS Workers by the Officials of the Corporation (Ex. W-14). Sick leave wages and incentive wages are also paid by it. (Ex. W-15 and 16). The Corporation has been transferred DPS labour from one place to another (Ex. W-19), disbanded them from work and again reinstated them (Ex. W-21). Medical reimbursement is made to them (Ex. W-24) and dependants of DPS labour are appointed by the Corporation on compassionate grounds (Ex. W-23). One would get wary to refer to all other items to show that the Corporation has all along treated the DPS Labour as their direct servants. I would only mention a circular dated 31-2-1889 (Ex. W-34) under which the District Manager of the Corporation, Agra, has issued detailed guidelines, numbering as many as 15, for effective control of the Corporation over the DPS labour. All this evidence leads to only one possible finding—that there exists direct master-employee relationship between the Corporation and the DPS labour and that the latter are performing identical work as departmentalised labour.

22. Here I pause to take stock of previous awards of various Tribunals and decisions of the Supreme Court, that are relevant to the issue under consideration. I must concede at once that there is no previous award/decision that directly deals with the question before me, namely whether the DPS Labour can claim parity in the matter of wage structure with the formally departmentalised labour. There are however a few awards/decisions that can be legitimately be treated as important mile stone on the road winding up to the ultimate question before me. Ex. W-6 is the decision of the Supreme Court in C. A. No. 1055 (NL)81 decided on 28-2-1985 by a three Judge Bench (Desai, Balkrishna Eradi and Khalid JJ.). DPS was admittedly introduced in Silguri Depot under a settlement dated 18-1-1973 between the Union and the Corporation, in supersession of the earlier contract labour system prevailing in that depot. In March 1975, the Corporation superseded the DPS and reintroduced the Contract Labour System. 464 Labour were allowed to work under the new dispensation. At the instance of these labour who were affected by this move, a reference was made by the Central Government to the Industrial Tribunal, whose decision went against the Workmen. The Tribunal held that the change adopted by the Corporation did not affect the status of the Workmen and did not amount to a breach

or section 9A of the Act. The matter came up in appeal before the Supreme Court. The Court rejected the stand of the Corporation that the labour under the DPS are not servants of the Corporation but that the Sardar is their employer. Desai J. speaking for the Court held that the labour under the DPS were the direct servants of the Corporation and not of the Sardar concerned. On this basis, the action of the Corporation in reintroducing the Contract Labour System without the consent of the Workers was held to amount to illegal termination of their service, and a change in the conditions of their service in breach of section 9-A. The appeal was allowed with costs of Rs. 10000 to the Workmen from the Corporation. The Tribunal was directed to make an award declaring that the Workmen continued to be the Workmen employed by the Corporation and were entitled to all the rights, liabilities obligations and duties as prescribed for workmen by the Corporation. This decision is a clear authority for the proposition that the Labour under the DPS are direct servants of the Corporation. But the decision does not go so far as laying down that this category of labour is entitled to parity with departmentalised labour. In fact, this question did not directly figure before the Court for decision.

23. Then we come to the award of Dr. Tulpule of the National Industrial Tribunal in NTB-2/85. It was given on 24-12-1985 Ex. W-2 is its copy. It appears that for years 1982, 1983 and 1984 the Corporation did not pay ex-gratia in lieu of bonus to the labour in 14 depots, under Mate Labour system, which later were brought under DPS by the settlement of July 1986. The question referred to the Tribunal was whether the action of the Corporation in not treating the Labour Mate System employees as their own employees and depriving them of the ex-gratia payment in the years above was justified. Dr. Tulpule thought that the pleadings of both sides—that is, the Corporation and the Union—on the first part of the reference were confused. He restricted the scope of the reference to the latter part only, namely whether the action of the Corporation in denying the ex-gratia payment in lieu of bonus to the Labour Mate System employees was justified. He gave his decision against the Corporation, holding that at least so far as the item of bonus was concerned, the labour belonging to this category were entitled to get the same. With respect to the learned Judge, I am not able to comprehend all the subtle implications of his reasoning. The fact however remains that the Labour under the Mate System which admittedly did not stand on a higher footing than DPS Labour were found entitled to bonus, and by a later settlement dated 3-7-1986, these depots were expressly brought over to the DPS.

24. In Reference No. 12/94, the Central Government Industrial Tribunal, Dhanbad (No. 2) gave an award in October 1987 that 142 Casual Labours who were employed in Mokameh and Phulwari-Sharif depots (in Bihar) since 1976, were entitled to the same wages and fringe benefits as the Corporation's permanent ancillary workers working at the two depots. These two depots are not included in the 55 depots in the annexure to the reference order in the present case or in the list of DPS depots filed by the Workmen (Ex. W-3). It appears these depots come under the departmentalised depots category. The Tribunal upheld the claim of the workers on the principle "equal pay for equal value of work". The question of parity between the DPS labour and departmentalised labour did not directly arise in the case. What is noteworthy about this award is that even casual workers—who stand at a lower rung of security than the DPS labour—were also found entitled to the same wages as the permanent employees of the Corporation. To that extent, the decision does help the Union.

25. Now comes the latest decision of the Supreme Court handed down on 20-7-1990 in W. P. No. 222/84. Again in this matter, the question of parity between the DPS labour and departmentalised labour did not arise directly. The competing claim was between the departmentalised labour in Bihar, Assam, Orissa, U.P. Delhi on the one hand and the departmentalised labour in West Bengal on the other. The facts are revealing viewed from a different angle, which has some bearing on the question before me. I have called out these facts from the judgement of the

Supreme Court itself. Right from the beginning the departmentalised labour at the Docks and Port godowns and the depots in Calcutta are being paid wages on the same basis as the Port and Dock workers. The Corporation adopted this principle for all departmentalised labour in the other depots as well in West Bengal. When departmentalisation was extended to some depots in Bihar, a dispute arose as to the wage structures to be applied to these depots. The dispute was referred to Justice Mitra (a retired Judge of the Calcutta High Court) for arbitration under section 10-A of the I.D. Act. An award was made by him in October 1974 (called Mitra Award), directing the wage structure of Bihar departmentalised workers (particularly at Gaya, Jamshedpur and Mokameh) to be given parity with that prevailing in Calcutta. During the pendency of the award proceedings, the Corporation had undertaken by a letter dated 18-7-1973 to apply the Mitra award in toto to the departmentalised depots in Orissa, Assam and Bihar. Here be it noted that the Calcutta complex rates had already been made applicable to the departmentalised labour in U.P. and Delhi depots. The net result of Mitra award was that the Calcutta Port rates became applicable to all departmentalised depots of the Corporation in Assam, Delhi, Bihar, U.P., Orissa and West Bengal.

26. I may state here that the Mitra Award was upheld by the Calcutta High Court in a writ petition filed by the Corporation before a Single Judge and also in intra-Court appeal by a Division Bench. It so happened that after the Mitra Award, the Corporation revised the wage structure with regard to the Calcutta Complex, but did not extend the benefit to the departmentalised depots in Assam, Orissa, Bihar, U.P., and Delhi. Thereupon the Union filed the Writ Petition in the Supreme Court to direct the Corporation to bring about parity between the Calcutta complex and the other departmentalised depots. The Corporation opposed the prayer on two grounds : (i) in view of the industry-cum-region principle, there was material disparity in the conditions prevailing in the Calcutta Complex and the far flung states and (ii) the Mitra award did not contemplate continued obligation on the part of the Corporation to automatically apply all future wage revisions in respect of Calcutta complex to the other aforesaid states. The Supreme Court rejected the first objection on the ground that the Mitra award itself had rejected that plea. The second objection was also rejected on merits. The parity asked for was granted with effect from January, 1974.

27. As I have said above, this decision does not deal with the direct question of parity between the departmentalised labour and the DPS labour. But it is a good authority for the proposition that Region-cum-Industry principle will not apply; on the other hand, as held by the Mitra award, Zone-cum-same employer formula should be applied, to avoid discrimination which leads to real discontent among the employees. This aspect will have bearing on the question before me also, because one of the objections of the Corporation is that disparate wage structures would be in order, taking into consideration the difference in local conditions prevailing in the different regions.

28. I have already dealt with the Bhubaneswar Tribunal Award in para 17 supra, relied upon by the Corporation. As stated there, this award does not help the Corporation to any extent.

29. The above review discloses a constant judicial trend to bring about uniformity in different items of the wage structure for handling labour, treating the regions of Assam, West Bengal, Orissa, Bihar, U.P. and Delhi as a single geographical unit.

30. I now revert to the objections put forth by Ganguli in his affidavit against granting parity to DPS Labour with the departmentalised labour. According to him, the policy of gradual departmentalisation accented in 1973 did not bring about the desired healthy result. The working of the 39 departmentalised depots manifested (i) increase in costs (ii) low output, (iii) high proportion of idle labour, (iv) indiscipline, (v) steep rise in demurrage charges and (vi) monopolistic attitude on the part of the workmen to disrupt the public distribution system in exigencies/natural calamities. He further stated that ultimately the Central Government took a decision in January 1978 not to encourage further departmentalisation (vide the letter dated 17th January 1978 filed as an annexure to Ganguli's affidavit) written by the Managing Director of the Corporation to the Zonal Managers, conveying the aforesaid views of Shri Bhanupratapsingh, the then Minister of State for Food and Rural Development. The witness also referred to the report of the Asnani Committee (Ex. M-8), which, according to him, highlights some of the points referred to above.

31. According to Ganguli, the recurring annual cost of departmentalising the DPS labour whose strength he puts at 7000 will be to the tune of Rs. 432 crores. He apprehends that once the demand of the Union in the present case for departmentalisation of 55 depots is conceded, it will pick up momentum for the rest of the depots in the Country also.

32. I have given my anxious thought to each and every item of the objections pleaded in Ganguli's affidavit. I however find that most of them do not stand scrutiny on merits. So far as the element of costs is concerned, Bhaskar MW-2 who has worked out the details on behalf of the Corporation, states that the introduction of parity in the 55 depots under consideration will result in increased annual recurring expenditure of Rs. 9.73 crores and non-recurring expenditure of Rs. 20 lakhs. Thus the total increase will be about 10 crores. Obviously, there is some ambiguity, if not fallacy, in the figure given by Ganguli. May be, his figure is related to the introduction of the change in the entire country. But then, he gives the figure of DPS Labour as 7000 which surprisingly very closely agrees with the figure of 7029 given by Bhaskar. Be that as it may be, here we are concerned with 7029 DPS workers working in the 55 depots only. Bhaskar has given the detailed break up also relating to these 7029 labour in the 55 depots. The heads under which additional expenditure will have to be incurred are also indicated.

33. In the first place, the increase of Rs. 10 crores per annum is not very significant, when we consider the magnitude of the Corporation's operations and the benefits that will accrue to the Labour. Bhaskar has admitted in his cross-examination that under a March 1989 settlement, option has been given to category III and IV assistants working to come regular official establishment of the Corporation to come over to the Industrial D.A. system. He concedes that the annual recurring expenditure over this single item will be 50 crores. I have gone through the whole of the Asnani report (Ex. M-8), with particular attention to Chapters VII and VIII which record the main findings of the committee and its recommendations respectively. We find from page 13 of the Report that the Corporation has 73,000 employees of all categories on its Rolls, and its annual turnover amounted to 7559 crores of rupees in 1984-85. The increase of 10 crores will be absorbed without any perceptible adverse effect on the Corporation's finances or on the interests of the consumer. The items over which this expenditure will be incurred are stated below. Based on Bhaskar's affidavit as they are, it cannot be said that they might have been manipulated in favour of the Labour. It will be seen that most of them are such as will merely alleviate the sufferings of the workers partially and not move them efficient in any degree.

Items	Entitlement of DPC Labour	Entitlement of departmentalised Labour
1	2	3
(a) medical facilities.	First aid to self	Out-door and Indoor facility for self and family.
(b) privilege leave.	Nil.	1/12th of attendance.
(c) Casual leave	Nil.	7 days in a year.
(d) Paid Holidays.	6	8
(e) Leave travel concession.	Nil.	Allowed.
(f) Uniform/Liveries.	Nil.	As per Class-IV employees.

1	2	3
(g) Shoes/Chappal	Nil.	Allowed.
(h) Washing allowance.	Nil.	Rs. 15/- per month.
(i) Towels.	Nil.	Two per year.
(j) Special casual leave for Women.	Nil.	6 days (presumably during confinement or for tubectomy operation)
(k) Ex-gratia to T.B. patients.	Nil.	Rs. 400/-.
(l) Funeral.	Nil.	Rs. 1000/- (presumably after death only).
(m) Group Insurance for those who die in harness.	Rs. 5000/-.	Rs. 10,5000/-.
(n) Gift memento at retirement.	Nil.	Rs. 500/-.

(The observations in brackets are mine.).

34. A mere look at the above table will show that each one of the above items is absolutely necessary for the minimal wants of human existence, except of course the last item relating to the retirement memento. We can rest assured that the demands of the Labour, if conceded, will not bring any affluence to them.

35. I shall now take up other objections deposed to by Ganguli, which I have listed in para 30 supra. It will not be realistic to dismiss Ganguli's apprehensions out right regarding these maladies low output, labour remaining idle, growth of indiscipline, monopolistic attitude on their part to disrupt the public distribution system in exigencies/natural calamities. But then if we take a dispassionate view of the entire scenario, I cannot help feeling that the workmen alone are not to blame. I was distressed to read the incidents of violence indulged in by the workmen, as described in chapter VI of the Asnani Committee Report Pt. M-8, and their consequential finding No. 24 in Chapter VII that in Northern and Eastern India, the Corporation Staff is virtually scared of the Workers due to their militant attitude. It will be educative to reproduce some other findings of this Committee also on the performance of the Corporation which, I believe, will considerably help understand the genesis of the frustration of the Workmen.

"19. Food Corporation of India has been shirking responsibility in regard to grant of welfare amenities to contract labour and even it has not been keeping the necessary required records, so much so, the list of the workers who are working for them, is also not being maintained. Workers enter the depot without check-in and no entry records are maintained.

20. Casual workers are usually not paid the minimum wages as fixed by respective State Government under the Minimum Wages A.t.

18. Food Corporation of India is not insisting the Contractors for implementation of the provisions of the Contract Agreements in regard to welfare measures for contract workers.

14. There are no approved Contractors based on certain qualifications who can get the work in F.C.I. Anybody can file the tender.

15. Schedule of Rates differs from region-to-region and mostly they are outdated. Some of these schedule of rates are as old as of 1965.

16. There is a large variation in the rates at which contracts are being awarded. Sometimes these are

below schedule of rates as low as 93% (Srinagar) and at other places, these are as high as 1,375% above schedule of rates (Ajmer, Rajasthan).

17. In number of Schedule of rates, discrimination between the wages of female casual workers and male casual workers was noticed, which is against the law.

37. In Departmentalised depots, the timings of workers and FCI staff differ. Besides, second Saturday is off for FCI staff and is a working day for workers. This results in payment of huge Overtime allowance to both categories resulting in higher cost of handling foodgrains."

36. There are also some more aspects which may deserve serious consideration by the Corporation is expected to be an ideal employer in the State sector. Even the general principles of sound business management ought to recognise the due importance of manual labour, particularly in the field of handling essential commodities like food, sugar etc. As the evidence (including Asnani report) goes, a bag of food grains weighs about a quintal. The standard daily outturn by a gang of 14 (including 12 handling labour) is such 800 bags. It comes to about 67 bags per Labour. This illustrates the intensely laborious nature of the job. In their unique task of handling food grains and other essential commodities in a big country like India with a population nearing 85 crores, the importance for the Corporation to have a contented willing work force at their command can hardly be exaggerated. Our countryman have yet to realise in full measure that however efficient and imaginative the head may be, it will virtually fail, unless it can manage to earn cooperation of willing hands. And neither the head nor the hands can give their best, unless the body has a healthy sound heart located at the correct place that is, a little to the Left of the Centre. As an humble student of our Construction, I find this natural truth unambiguously enunciated in its Preamble and Parts III and IV (directly material articles being, articles 14 and 38 to 43-A).

37. The Asnani Committee during, their study tour did come across examples where the departmentalised Labour are giving an excellent account of themselves. Please see pages 35 of the Report, where the working of two departmentalised depots in Bombay—Sewree depot and General Motors Bombay—is discussed. The committee was pleased to note that the functioning was entirely satisfactory and both the Management and the Workmen were happy. A workman was actually earning Rs. 100 per day, as against the guaranteed minimum of Rs. 63. This was the result of application of principles of sound business management, and the Committee expressed 'all the praise' for the Management. The Committee found that the Contract Labour System was also not working satisfactorily. This provoked or tempted the workmen and their Unions at times to take to high-handed tactics. For example, at one place—Srinagar—where the contract labour system prevails, the wage paid to a labour was 1 paise—to repeat one paise—for loading or unloading one bag weighing about a quintal (page 58 of the report). I quite understand that this is an extreme case of inhuman exploitation and does not reflect the average position. I am not treating it even for a moment as a common example. But such examples do help in keeping a discreet observer alert and alive to the mandates of the Constitution.

38. We cannot forget that the central object of the Contract Labour Act is to abolish contract labour, wherever there is good justification for doing so under section 10 of the Act. This is the declared legislative mandate. The Asnani Committee has also kept this in view. Its very first recommendation in Chapter VIII is to abolish contract labour wherever the condition prescribed by section 10(2) of the Act stand fulfilled. It has also evolved a formula to work out and decide as to when these conditions should be deemed to have been complied with. One of the factors is that the labour should not remain idle over a long period. I am mentioning this in the context of Ganguli's evidence that one of the evil consequences of departmentalisation is to render a substantial chunk of the labour idle. In my view, the problem is not unsurmountable. The foremost remedy is better organisation and coordination of work by the Management. As an instance, I may cite the case of J.P. Depot, Calcutta—a departmentalised depot—examined by the Asnani Commit-

tee at page 45 and 46 of its Report. The Committee has squarely held the Management responsible for keeping the labour idle, though there is more than standard work available at the depot. The genesis of the malady is something like this. The working hours of the labour are from 9 a.m. to 5 p.m. The working hours of the regular staff of the establishment who are supposed to do the allotment of work to the labour are from 10 a.m. to 5 p.m. The Labour attend the depot at 9 a.m., the staff come around 11 a.m. and then open the godown. In the afternoon the staff are eager to call it a day at 4 p.m. In the premises the Committee found that the Labour remains idle for 2 1/4 hours in the morning from 9 a.m. to 11.15 a.m. and for one hour from 4 p.m. to 5 p.m. in the evening. This accounts for 3-1/4 hours idleness out of 8 working hours. The second Saturdays are holidays for the staff, but not for the labour. Now whenever extra working becomes necessary beyond 5 p.m. on working days or second Saturdays in order to cope up with the demands of exigencies, overtime wages are required to be paid both to the Labour and the Establishment staff. Now can this aberration be not rectified by some imaginative action on the part of the Management. Certainly, the Labour are not to blame—nor their departmentalisation here. Again let me hasten to add that I do not mean that this sorry situation obtains in every departmentalised depot. But then it will also not pay to turn a Nelson's eye to the conspicuous trait of our work culture to take the time element easy. So the problem is not rooted in the disposition of the labour alone, but is also connected with the quality and modalities of business and Man Management.

39. Connected with the question of idle labour, is the evidence of Bisht, Deputy Manager of the Corporation. He has filed a statement tabling idle wages paid to the DPS labour in 21 depots during the latter half of 1989. He has admitted in his cross-examination that he has no personal knowledge of the statistics given in the statement. I would not give much importance to this circumstance by itself, inasmuch as he claims to have collected the figures from the Managers in charge of the aforesaid depots, and there is no good reason why the officers concerned would furnish false data. However, there are some other reasons in the face of which I cannot persuade myself to give weight to this data. In the first place, only 21 depots have been selected out of 55. No basis is given for selection of these particular depots. The period selected is July—December 1989. Bisht was frank enough to admit that there was no special difficulty in obtaining data from all the depots and for a longer span than a mere six months. There is substance in Shri Singh's submission that no importance can be given to such truncated data.

40. I can see that some idle labour will always be left in some depots, to whatever category they may belong. However, the problem is not wholly beyond solution. Some remedies have already been diverted to. Indeed as the evidence shows, in proper cases the Corporation can even go to the length of transferring surplus staff to depots where additional labour is required. There is an express provision to this effect in the settlement of 7-11-1988 (Ex. M-3). And the Corporation have actually made some such transfers. I do not think much importance can be given to the fear of idle labour.

41. The stage has come for a final round up. We have seen that the work done by the DPS Labour is almost—if not absolutely—identical with that done by the departmentalised labour, in quality and quantity. The zones in which the 55 depots are situated can be legitimately treated as a single geographical unit for the purposes of wage structure. The judicial trend has been consistently and clearly in favour of liberalising the wage structure applicable to the handling labour working under the Corporation in these Zones. It is true that the then Minister of State (Shri Bhanu Pratap Singh) in the Ministry of Food and Rural Development had in January 1978 commented adversely on the working of the departmentalised depots. But the letter in which his aforesaid view is recorded, itself says that contract labour may be abolished, wherever conditions under Section 10(2) of the Contract Labour Act are fulfilled. Long 13 years have since passed by. The Corporation had indeed taken a decision as early as 1973 to introduce departmentalisation in gradual stages. Perhaps, as Ganguli says, the process was stopped or slowed down in view of the Government thinking as reflected in the aforesaid letter of January 1978. The Central Government has now issued the notification of 28-6-1989

under section 10(1) of the Contract Labour Act abolishing for good the contract labour in the 55 depots under consideration. It must be presumed that the conditions prescribed under section 10(2) are fulfilled in respect of these depots. The additional financial burden of Rs. 10 crores for bringing about the parity between the DPS Labour and departmentalised labour is negligible, considering all the relevant factors, including the benefits that will flow to 7029 labour. This is a clear case where the demand of the Union for parity must prevail.

42. The last question is the date from which the Award should be made effective. Shri Singh suggests different dates on which particular depots was/were brought under the DPS. This suggestion is quite reasonable. However, in view of the delicate and difficult economic condition through which the country is at present passing, the Workmen should also be ready and willing to undergo sacrifice for the Nation, although I quite see its hurtful effect on them. It is not in dispute that the conciliation proceedings started between the parties in August 1985 and concluded in failure in December 1987. I would make the Award effective from 1st January of 1988.

43. I regret to say that the Corporation has not been adopting a reasonable approach to the long standing just demand of the manual labour, engaged in an obviously hazardous task. The Union has been often compelled to take recourse to legal action. Following the precedents of the Supreme Court in Writ Petition No. 13508/83 and C.A. No. 1055 (NL)/81 I would saddle a token amount of Rs. 10,000 by way of Union's costs on the Corporation.

44. Before parting with the matter, I place on record my sincere thanks to S/Shri Arora and Singh for the valuable assistance and unfailing courtesy they have extended to me. I would also honestly beg to be pardoned if any of the observations made by me in the body of this award sound pedantic or Smack of sermonising.

45. The action of the Food Corporation of India in not granting to the handling Workers employed in their Direct Payment System depots (as per annexure to the order of reference dated 5-6-1989), the same wages, status and other benefits of service conditions as of its departmentalised workers is held to be unfair and unjust. The Workmen under the D.P. System referred to above are entitled to parity in all service conditions as applicable to the departmentalised labour. Effect will be given to these directions from 1st January 1988. Arrears upto the date on which the Award becomes operative will be paid within 6 months of that date. The Corporation shall bear their own costs and pay Rs. 10,000 (Ten thousand) to the Union as the latter's costs. Award accordingly.

S. N. KHATRI, Presiding Officer
[No. L-42011/77/87-D.II(B)/D.IV(B)]

का. प्रा. 1257. --- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जमुना और कोटमा सब एरिया आफ एम. ई. सी. पी. कोटमा कोलियरी लि. शहडोल (म. प्र.) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, प्रमुख में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jamuna and Kotma Sub-Area of S.E.C. Ltd., P.O. Kotma Colliery, Distt. Shahdol (M.P.) and their workmen, which was received by the Central Government on the 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(87)/1987

PARTIES:

Employers in relation to the management of Jamuna and Kotma Sub-Area of S.E.C. Ltd., P.O. Kotma

Colliery, District Shahdol (M.P.)] and their workman Pratap Singh S/o Shri Manoo Singh, represented through the M.P. Koyla Mazdoor Sabha, HMS, Sohagpur Area, P.O. Dhanpuri, Distt. Shahdol (M.P.).

APPEARANCES :

For Workman : Shri D. L. Agarwal.

For Management : Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining. DISTRICT : Shahdol (M.P.).

AWARD

Dated, March 20, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-21012/79/86-D.III(B), dated 12-6-1987, for adjudication of the following dispute :—

"Whether the termination of services of Shri Pratap Singh S/o Shri Manoo Singh BTL, T. No. 5699 of Govinda Colliery by the Management of Govinda Colliery vide Order No. WCL/CM/GOV/Absenteeism/237 dated 27th January, 1985 is justified? If not, to what relief the workman is entitled to?"

2. Facts leading to this case are as follows :—

Shri Pratap Singh S/o Shri Manoo Singh was appointed as temporary Badli Piece-rated Loader on 13-2-1984. He joined his duties on 20-2-1984 and worked as temporary Piece-rated Loader at Govinda Colliery of Jamuna and Kotma Colliery Area. His attendance as per Colliery's record is as under :—

1. Joined duty on 20-2-1984.
2. During the month of February, 1984 worked only 3 days.
3. During the month of April, 1984 worked for 12 days.
4. During the month of March, 1984—Nil.
5. During the month of May, 1984—Nil.
6. During the month of June, 1984—Nil.
7. During the month of July, 1984—worked only 3 days.

2. It has not been challenged by the workman that he had worked for only 13 days from February, 1984 to July, 1984. It has also not been denied that he was issued a charge-sheet by the Superintendent of Mines on 1/8-7-1984. He attended the Colliery on 10-7-1984. He was given an opportunity with a warning not to repeat such misconduct in future. He again absented himself with effect from 27th July, 1984 till 18th March, 1985 on which date he filed a certificate of fitness. It appears that his services were already terminated with effect from 27-1-1985. This termination order has been challenged by the workman.

3. According to the workman, he got injury on 26-7-84 while he was coming by Cycle from Govinda Colliery to Amlai Colliery where his father is working. Because he was not well due to injury he reported the Medical Officer, Amlai Colliery Dispensary of S.E.C.L. for his treatment. He informed the Manager on 31-7-84 under postal certificate about his inability to attend his duty due to injury. He also approached the Labour Welfare Officer and Manager, Govinda Colliery on 27-3-1985, along with a fitness certificate issued by the Medical Officer, Amlai Colliery Dispensary. The Manager neither accepted the Medical Certificate nor allowed the worker to resume his duties. He sent a registered letter on 22-3-1985 which was acknowledged by the management on 27-3-1985. During the period of his sickness he did not receive any letter from the management. No charge-sheet was issued to him. No D.E. was held against him. No show cause notice was issued to him and his services were terminated which order of termination is not signed by the competent authority. The termination order is, therefore, liable to be set aside and the workman is entitled to reinstatement with all back wages and other benefits.

4. According to the management, the workman never put in requisite attendance of 240 days in a year. He unauthorisedly absented with effect from 27-7-84 contrary to the terms and conditions of his job as per Cl. 6 of the appointment order.

5. Sometime in the month of March, 1985 it was claimed by the workman that he was under treatment at Amlai Hospital. He had, however, left headquarters without any authorised leave and without permission and has acted on his own and therefore he himself is responsible for the act of omission and commission.

6. Medical Certificate Card produced by the workman does not find the name of the employee. The name of Manoo Singh was entered in the register which was scrapped in the column of patient and the name of the workman was inserted. Thus it cannot be said that the workman was sick. He had only attendance of 18 days in the whole period of his service which indicate that he has no regard for the job and such persons are parasite for industry and for other co-workers. In view of unauthorised absence for more than six days his services were terminated as per terms of appointment letter without notice or charge-sheet. Reference is, therefore, liable to be rejected.

7. Reference was the Issue in this case.

8. Workman has placed nine documents Ex. W/1 to Ex. W/9 in support of his case and has also examined Pratap Singh as W.W.1, his father Manoo Singh as W.W.2 and Dr. A. K. Sinha as W.W.3. Management has also proved 13 documents Ex. M/1 to Ex. M/13 and has examined D. K. Saxena as M.W.1 and Vijay Kumar Pandey as M.W.2.

9. The workman concerned has tried to prove the duplicate certificate Ex. W/1 as also photo copy of the original which is Ex. W/3 and various other documents in support of his case.

10. W.W.2, Manoo Singh has tried to explain the striking of his name and putting the name of his son Pratap Singh stating that because the medical book in the name of Pratap Singh was not available he brought the medical book of his name which was fresh. The Doctor therefore scolded out his name and age and entered the name of his son Pratap Singh with his age.

11. W.W.2 Manoo Singh in cross-examination admits that Pratap Singh had knee injury. It was internal injury and he used to attend hospital daily. Thus he could go to the Hospital. That being so, he could be in continuous contact with the management to show that he is sick. But what he did was that he filed a Certificate of posting Ex. W/2 showing that he had sent the information of his sickness on 31-7-84. This is all what he did during his long absence. According to the management, no such information was received by it.

12. That part. Dr. A. K. Sinha (W.W. 3) who had issued the Certificate of Fitness Ex. W/1 says that Pratap Singh was suffering from Diarrhoea and Dysentery. This is obviously not the case of the workman concerned and there is an obvious mischief on the part of the workman to produce a false Certificate of his sickness. That being so, if a Badli Piece-rated worker who had worked for some days and who had a previous record of remaining absent unauthorisedly is terminated from service after a long waiting i.e. on 27-1-1985 no injustice can be said to have been done to the workman concerned. He is wholly responsible of his misconduct. Nothing can be pointed out that the termination order has not been issued by the competent authority. The termination order of service was made by the Manager with effect from 8-1-1985 after giving him notice Ex. M/5.

13. I need not go into the details of other aspects of this case. I accordingly give my findings as follows :—

That the termination of services of Shri Pratap Singh S/o Shri Manoo Singh BTL, T. No. 5699 of Govinda Colliery by the Management of Govinda Colliery vide order No. WCL/CM/GOV/Absenteeism/237 dated 27th January '85 is justified. He is not entitled to any relief. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-21012/79/86-D.III(B)]

का.भा. 1238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, एस.ई.सी.वि. राजगामार कॉलियरी पोस्ट राजगामार कॉलियरी जि. बिलासपुर के प्रबन्धतन्त्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. S.E.C. Ltd., Rajgamar Colliery, Post, Rajgamar Colliery Distt. Bilaspur (M.P.) and their workmen, which was received by the Central Government on the 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(94)/1990

PARTIES :

Employers in relation to [M/s. S.E.C. Ltd., Rajgamar Colliery, Post Rajgamar Colliery, District Bilaspur (M.P.)] and their workman, Shri Kalyandas S/o Arbardas Mechanical Fitter, represented through the Branch Secretary Rastriya Koyla Khadan Mazdoor Sangh (INTUC) 15-Block, Quarter No. G-64, Post Korba, District Bilaspur (M.P.)-495667.

APPEARANCES :

For Union.—None.

For Management.—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.).

AWARD

Dated : March, 18th 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(330)/89-IR(Coal-II) Dated 30-3-1990, for adjudication of the following dispute :—

“Whether the action of the Management of Rajgamar Colliery of M/s. S.E.C. Ltd. Bilaspur in recording the date of birth of Sri Kalyandas S/o Arbardas, Mechanical Fitter, as 30-8-1930, is justified? If not to what relief the workman concerned is entitled?”

2. Management filed its statement of claim. Neither the workman nor any one on behalf of the Union appeared and participated in the proceedings. Statement of claim on behalf of the Union has not been filed.

3. Shri A. K. Kurrey, Secretary, RKKMS (INTUC) Rajgamar Colliery filed an application at Korba on 11-3-1991 stating as under :—

“The Union hereby desires to close the proceedings on the above referred case as the workman has already been retired from the service w.e.f. 30-8-90. Further the Union seems no benefit even after coming the award in benefit of the workman.”

He has further requested to pass an award accordingly.

4. Since the workman has not taken any interest in prosecuting his case. I have no option but to record a no dispute

award particularly in view of the request made by the Union Secretary. Award is made accordingly.

No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-22012/330/89-IR(C-II)]

का.भा. 1239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लि., कोरबा पोस्ट कोरबा कॉलियरी के प्रबन्धतन्त्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Korba P.O. Korba Colliery, Distt. Bilaspur (M.P.) and their workmen, which was received by the Central Government on the 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(5)/1984

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Korba, Post Office Korba Colliery, District Bilaspur (M.P.) and their workman, Shri A. R. Kurrey, represented through the Madhya Pradesh Khan Mazdoor Congress (NLO) Qrs. No. IB/48 CWS Colony Korba, Post Korba Colliery, District Bilaspur (M.P.).

APPEARANCES :

For Workman—Shri R. K. Gupta, Advocate.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated : March 22, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Order No. L-22012(6)/83-D. III.B/D.II.B. dated 7th January, 1984, for adjudication of the following dispute :—

“Whether the action of the General Manager Western Coal Field Ltd., Korba in dismissing Shri A. R. Kurrey UDC from his service with effect from 11-3-82 is justified? If not, to what relief the workman is entitled?”

2. Facts leading to this case are that the workman was serving as U.D.C. with the Western Coalfields Ltd, Korba. He has put in about 22 years of service. He was charge-sheeted for misconduct. D.E. was held against him and the General Manager, Western Coalfields Ltd., Korba dismissed him from service with effect from 11-3-82.

3. Charge framed against the workman is enumerated in Ex. M/1 as under :—

“It has been reported against you as under by Smt. Anand Kunwar W/o Late Babulal that :
On 28-3-81, she (Smt. Anand Kunwar W/o Late Babulal) drew an amount of Rs. 11,000 from the Cash

Office of Korba Area under the Life Cover Scheme. After collecting the amount, she was going to deposit it with the Bank when you called her aside and cheated her of an amount of Rs. 3,500 within the office premises while being on duty.

The above said act as alleged to have been committed by you is a serious misconduct under the service Corporation Rules) rules applicable to you. The relevant extract of which is given below :

"Every Corporation servant shall at all times maintain absolute integrity and devotion to duty."

4. My learned predecessor vide order dated 8-9-1987 held that the D.E. is vitiated and directed the management to lead evidence in regard to the misconduct of the workman. The workman was also to adduce evidence in rebuttal.

5. Workman's case in brief is that he has been deliberately victimised due to his Union activities, while according to the management the workman misconducted himself as alleged as above. So far the question of punishment is concerned, according to the workman, punishment is disproportionate, while according to the management punishment is adequate. Workman has prayed for reinstatement with all back wages and while according to the management reference is liable to be rejected.

6. Management has proved four documents Ex. M/1 to Ex. M/4, while the workman has proved one document Ex. W/1. Management on its part has examined four witnesses viz. Smt. Anand Kunwar (M.W. 1), Marchu Yadav (M.W. 2), Ramlochan (M.W. 3), Daljit Singh (M.W. 4) (numbering is not proper, it is now corrected). Workman on his part has examined himself as W.W. 1.

7. At the outset it must be pointed that on 7-4-88 all the management's witnesses were present. They were asked to remain present on the next date. On 8-4-1988 Affidavits of Smt. Anand Kunwar (complainant), Marchu Yadav and Ramlochan were filed. Daljit Singh was, however, examined subsequently on 15-6-88. On 8-4-88 workman had prayed for time to cross-examine Anand Kunwar, Marchu Yadav and Ramlochan. The case was thereafter posted for 6-5-88 on which date it was adjourned because the material witness, Smt. Anand Kunwar, was not present. The case was against taken up on 15-6-88 on which date it was reported that Smt. Anand Kunwar is dead. The remaining witnesses Marchu Yadav and Ramlochan were cross-examined by the workman. One more witness Daljit Singh was examined on behalf of the management. He was also cross-examined and management closed its case. Thereafter on 19-7-90 the workman examined himself in rebuttal after a long lapse of time.

8. Thus though Smt. Anand Kunwar was presented for cross-examination by the workman she was not cross-examined and adjournment was sought by the workman and thereafter she died. Thus opportunity was given to the workman to cross-examine Smt. Anand Kunwar. That being so, her testimony remains unchallenged.

9. Now coming to the evidence as adduced by the management as per M.W. 1 Anand Kunwar she had received the dues of her deceased husband on 28-3-1981 amounting to Rs. 11,000 out of which she had to deposit Rs. 8,000 in the Bank. According to this witness while she was going to the Bank for depositing this amount, the workman who was standing under a tree near the office called her and enquired about the amount she had received. He counted the amount and put some amount in his pocket and returned the remaining amount to her. When she went to the Bank she found that it was Rs. 7,500 only while she had to deposit Rs. 8000. Thus the workman had taken away an amount of Rs. 3,500 from her. She started weeping, came to the office and narrated the incident to the boss of her husband. The matter was thereafter reported in the police station. This witness has further deposed that 6-7 months after the incident the workman had obtained her thumb impressions on a document under threat. This document is Ex. W/1 and is dated 30-10-81, while the incident is dated 28-3-81.

10. This is the document according to which the workman has been falsely implicated at the instance of the Personnel Manager and a report was lodged. The very fact that the document was so belatedly obtained shows the genuineness of the testimony of Anand Kunwar to the effect that this document was obtained under coercion. To add, Anand Kunwar could never be cross-examined.

11. The next witness of the management is Marchu Yadav (M.W. 2). According to him he was posted in front of the Cash Office at about 11 A.M. He had seen the workman counting cash of Anand Kunwar. He did not take any specific notice of this fact but later on Anand Kunwar came back from Bank weeping and stated that the workman had taken Rs. 3,500 from her by deceiving her which fact was detected in the Bank when she tried to deposit money and the Clerk of the Bank counted it. This witness has been cross-examine at length but nothing substantial has come out in his cross examination. M.W. 3 Ramlochan and also seen Anand Kunwar weeping on the alleged date of incident and on enquiry she told him that she had received Rs. 11,000 towards the dues of her deceased husband out of which Rs. 3,500 have been taken away by the workman, Shri Kurrey. He accordingly took her to General Manager's Office in a Jeep and she reported the matter to him and thereafter a report was lodged by Anand Kunwar.

12. Daljit Singh (M.W. 4) who is another witness of the management has also corroborated that Anand Kunwar had made a complaint to the effect that the workman, Shri Kurrey, had taken Rs. 3,500 from her. Daljit Singh is a Security Inspector. He took the statement of Anand Kunwar and took her on a Jeep to the Police Station and the report was lodged.

13. The workman had denied all these facts in his affidavit. According to him, neither he has done anything nor he was present there, nor he counted the cash of Anand Kunwar and nor he did take away Rs. 3,500 from her. He has been falsely implicated due to the animosity of the management on account of his union activities. He has stated that it is at his instance Anand Kunwar could get this amount. He, however, has admitted in para 4 of his deposition that Company took a revenge on account of a dispute raised by him and therefore he has been falsely implicated.

14. This witness, however, admits in para 7 of his affidavit that the lady Anand Kunwar had received Rs. 11,000 from the Cashier and had been to the Bank. Obviously, as stated by this witness in para 14 of his deposition that he had fought the case of Anand Kunwar after the death of her husband for securing her a job. He had not taken the amount of Rs. 3,500 as remuneration. Evidence is sufficiently patent to prove the misconduct of the workman concerned. It is not a criminal case. Police report has not been filed. It cannot be said that the case of the management is false or the workman has been falsely implicated.

15. The misconduct of the workman is amply proved. His dismissal is adequate and he is not entitled to any relief, whatsoever. Reference is answered accordingly as follows :—

The action of the General Manager, Western Coal Field Ltd. Korba in dismissing Shri A. R. Kurrey U.D.C. from his service with effect from 11-3-82 is justified. He is not entitled to any relief. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-22012/6/83-D.II(B)/D.II(B)]

का.प्र. 1260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुराक़दर कालियरी आफ एस्.ई.सी. लि. प्रो. बंकीमोगरा, जि. बिलासपुर (म.प्र.) के प्रबंधन के संबंध निराजकी और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1260.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Surakachhar Colliery of S.E.C. Ltd., Post Bankimongra Distt. Bilaspur (M.P.) and their workmen, which was received by the Central Government on the 9-9-92.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(155)/87

PARTIES :

Employers in relation to the management of (Surakachhar Colliery of S.E.C. Ltd. P.O. Bankimongra, District Bilaspur (M.P.) and their workman, Shri Baisakhundas, Loader, Cat. III, represented through the S.K.M. Sangh (AITUC), P.O. Korba, District Bilaspur (M.P.).

APPEARANCES :

For workman...None

For management...Shri A. K. Sashi, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated : March 15th 1991

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-21012/33/87-D.III(B) dated 18-8-1987, for adjudication of the following dispute :—

“Whether the action of the management of Surakachhar Colliery of S.E.C. in dismissing Shri Baisakhundas, Loader, Cat. III from service was justified. If not, what relief is the workman entitled to?”

2. In this case, the workman from the very beginning did not take any interest in prosecuting his case properly. He has simply sent his statement of claim which was received on 3-4-1989. Management filed its statement of claim, rejoinder and certain documents along with list.

3. The case is pending since September, 1987 and the workman is not participating in furthering the proceedings since September, 1987 till 11-3-1991 only on two dates representation on behalf of the workman has been made and that too only for seeking adjournments. Therefore, it appears that the workman or Union is not interested in prosecuting the case and as such there is no use keeping this case pending any more. I, therefore, record a no dispute award and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-21012/33/87-D. III(B)]

का. प्र. 1261—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बंकी कालिघरी आफ इन्क्यू. सी. लि. पो. बंकीमोंगरा, जि. बिलासपुर (म.प्र.) के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में विनिर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1261.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government In-

dustrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Banki Colliery of WCL P.O. Banki mongra, Distt. Bilaspur (M.P.) and their workman, which was received by the Central Government on the 9-4-91.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(67)/1984

PARTIES :

Employers in relation to the management of Banki Colliery of WCL Post Bankimongra, District Bilaspur (M.P.) and their workmen S/Shri S. M. Izaharul Haque, Munshi & Anup Singh, Loader, represented through the Secretary, Madhya Pradesh Koyla Mazdoor Sabha (HMS), Bankimongra, Post Bankimongra, District Bilaspur (M.P.)

APPEARANCES :

For Workmen/Union ... S/Shri R. N. Srivastava, Secretary & R. C. Srivastava, Advocate.

For Management...Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining DISTRICT : Bilaspur (M.P.)

AWARD

Dated : March 18, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(59)/83-D. III(B)/D.V. dated August 25, 1984, for adjudication of the following disputes :—

Demand No. 1 : “Whether the claim of the workman Shri S. M. Izaharul Haque in Cat. IV that he was working as mate in Cat. IV from 21-9-76 to 21-9-81 and his further claim from promotion as Munshi in monthly scale of pay w.e.f. 1-5-82 are justified. If so, to what relief he is entitled?”

Demand No. 2 : “Whether the action of the Sub-Area Manager, Banki Colliery of WCL, Bankimongra in dismissing Shri Anup Singh, Loader from his service with effect from 5-11-82 is fair and justified? If not, to what relief the workman is entitled?”

2. This reference relates to two workmen having separate cases altogether. While the case of Shri S. M. Izaharul Haque is the claim of his promotion, the workman Shri Anup Singh challenges his dismissal from service. Hence case of both the workmen are separately dealt with.

3. The case of the workman, Shri S. M. Izaharul Haque, relating to Demand No. 1 is that he was kept in Category No. 1 from 21-9-76 and was working as Munshi since then, S/Shri J. N. Shukla, Kapildev Sharma, Daduram, Harimatan Singh etc. who were working with the workman were promoted as Mate on 26-10-1979 in Cat. IV. The Union demanded the promotion of the workman concerned also with arrears of wages. Accordingly the management put him as Ex-Career from Munshi just to harass him. Again the Union demanded that since the workman had worked for four years as Munshi it is unjust to give him Ex-Career. On this demand he was promoted to Munshi Cat. II. While the other Munshis were paid as Cat. IV. The Union again made the demand. On 21-1-1981 the workman was promoted to Cat. IV and was paid accordingly. While other 13 Casual workers were promoted on 26-1-78 in Cat. IV accordingly the workman has prayed for difference of wages with compensation from 21-9-76 to 20-1-1981 in Cat. IV and from 1-6-82 to 14-2-84 towards differences of monthly Munshi.

4. The case of the management however is that the workman, Shri Izaharul Haque, was appointed as Cat. I General Mazdoor. Subsequently he was promoted to Cat. II on 22-8-79. He was given promotion as Cat. IV from 21-9-81. A D.P.C. was constituted to consider the case of Cat. IV employees for promotion to the post of Munshi Clerical Gr. III. On going through the records of Shri Izaharul Haque, it was found that his performance was not satisfactory and two charge-sheets were issued to him, one on 7-1-1982 and

another one on 29-5-1982. On consideration of the service records, the D.P.C. did not find him fit for promotion to Clerical III. Promotion is a purely managerial function and the only right of the workman is for consideration of his case. His case was, however, considered and he was found unfit for promotion. The action of the management is fully justified. Subsequently, the workman passed the Mining Sirdar Examination. He has been promoted and transferred to Rajgumar Colliery. He is not entitled to any relief.

5. So far as the case of Shri Anup Singh, Loader, in Demand No. 2 is concerned, according to the workman, he was shown absent from 27-1-1981 and Enquiry Committee was wrongly constituted and the workman was dismissed. He was, in fact, under treatment in Sirdar Patel Hospital Bilaspur because of ill mental state. When he got well he intimated the management on 7-12-1981 with an application which was received by the management. He had also produced the fitness certificate from Asstt. Surgeon, Sirdar Patel Hospital, Bilaspur after he got well but was not accepted by the management. He was absent during 27-1-1981 to 29-3-1982 due to sickness on account of insanity. His case was not considered and he was wrongfully dismissed. He is, therefore, entitled to reinstatement with full back wages and compensation as also all the consequential benefits.

6. According to the management, the workman was found absent from 27-1-81 without leave or permission and therefore charge-sheet was issued to him for absents without permission. After due enquiry gross misconduct was found against him and he was accordingly dismissed from service. He is not entitled to any relief.

7. Before taking up the case of the workmen concerned, I must reproduce the history of this case. The workmen have filed their statements. The Union representative, Shri R. N. Srivastava, appeared for the first time on 27-3-1986, though the case was registered in 1984 and number of adjournments were granted from time to time. Again on 16-4-86 he appeared but thereafter nobody appeared for the Union on 15-5-86 and 13-6-86. Fresh notices were issued to the Union. On 17-7-86 the workmen filed different statements. Thereafter again nobody appeared for the Union or the workmen on 21-7-86, 4-9-86, 23-9-86, 28-10-86, 7-11-86, 3-12-86, 5-1-87, 11-2-87, 12-3-87, 13-4-87, 22-5-87, 2-7-87, 31-8-87, 16-10-87, 2-12-87, 5-1-1988, 3-2-88, 17-3-88 and 2-5-88. On 2-8-1988 Shri N. L. Pande and Shri R. C. Srivastava Advocate appeared for the Union and requested for time to file amendment application. Time was readily granted. On 1-9-88 Shri R. C. Srivastava appeared for the workmen and again sought an adjournment. Thereafter none appeared on behalf of the workmen on 20-9-88, 1-11-88, 22-12-88. On 3-2-1989 again Shri R. C. Srivastava, Advocate, appeared for workmen and prayed for adjournment. Adjournment was granted. On 27-3-89 on which date also Shri R. C. Srivastava appeared for the workmen and prayed for adjournment. But since thereafter nobody appeared for the workmen till the end of this case.

8. Management has, however, proved seven documents, Ex. M/1 to Ex. M/7 and Affidavits of Shri G. C. Ramaswamy and Shri B. Swain in respect of both the demands. Witnesses remained un-crossed because nobody was appearing for the workmen. The case was, however, fixed for award, so far the demand No. 1 is concerned and for orders on the validity of the enquiry so far the demand No. 2 is concerned.

9. I have only to find out the truth from the evidence on record keeping in view the disinterestness of the workmen in their respective cases.

10. So far the demand No. 2 is concerned, following issues were framed by my learned predecessor and I will give my findings accordingly.

ISSUES

1. Whether the enquiry is proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?

3. Whether the punishment awarded is proper and legal ?
4. Whether the termination/action taken against the workman is justified on facts of the case ?
5. Relief and costs ?

11. So far Demand No. 1 is concerned, reference appears to be the only issue.

12. First I will deal with the case relating to Demand No. 1 of the workman, Shri S. N. Izaharul Haque. Documents Ex. M/6 and Ex. M/7 relate to the case of this workman. Shri B. Swain has filed his affidavit in support of the case of the management so far as it relate to demand No. 1. Ex. M/6 is the recommendation of the D.P.C. constituted for promotion to the post of Munshi at Banki Colliery dated 15-11-82. The case of the concerned workman was also considered by this Committee and the following observation was made :—

Shri S.M. Izaharul has been charge-sheeted and placed under suspension for certain alleged misconduct. As such his case is also not considered for regularisation. His case for regularisation may be considered after finalisation of the enquiry into the above charges. Shri Khubulal has never performed the duties of underground Munshi, but has always worked as Mate. As such his case has not been considered by the D.P.C."

Ex. M/7 is performance report which shows that he was issued charge-sheet twice and was once suspended from duty for booking of excess measurements to the loaders. This appears to be the adverse remark against him. When both the documents are read together it is apparent that his case was kept pending until disposal of the enquiry. There is nothing on record to show whether the workmen concerned was punished or any adverse findings were given against the workman concerned in the departmental enquiries. The presumption would, therefore, be that nothing adverse could be found against him. That being so, he should have been promoted along with other workmen as prayed by him and there was no reason why he should have been superseded. Thus the action of the management cannot be held to be justified so far the workman, Shri Izaharul Haque is concerned. He is entitled to his due promotion in Munshi Cat. IV from 26-10-1979 as claimed by the workman and as Munshi in monthly scale of pay with effect from 1-6-1982 with all the difference of wages and consequential reliefs.

13. So far the case of the workman, Shri Anup Singh, Loader, is concerned, the management proved documents Ex. M/1 to Ex. M/5 and the unchallenged affidavit of Shri G. C. Ramaswamy. Unfortunately the testimony of Shri G. C. Ramaswamy is inconsistent with the D.E. finding Ex. M/4 which is photo copy of the finding of enquiry and has dealt with in detail of the proceedings. It may be added that no other proceedings are on the record to substantiate that the workman had admitted the charge or that he was given an opportunity to prove his case. Thus this part of the testimony of Shri G. C. Ramaswamy has to be rejected which follows that the workman concerned was not given an opportunity to prove the genuineness of his absence during the relevant period. The enquiry certainly would stand vitiated but in view of the fact that the workman is not taking interest in the case at all and not participating in the proceedings and during the relevant period without intimation to the management, it would be futile to reopen old pending case of 1984 and to ask the management and the workmen to prove the misconduct of the workman before this Tribunal. Even otherwise also the charges in the circumstances are not such which justify the dismissal of the workman. If the workman were given opportunity to prove that he was mentally upset and therefore he was absent from duty and could not inform the management about his absence, a more reasonable view would have been taken but in view of the circumstances of this case that the Union and the workman have been repeatedly noticed but they have not cared to join in the proceedings I find that so far the demand No. 2 is concerned the end of justice would be served if the workman is taken back in service without any back wages and consequential reliefs, but with continuity in service. My findings therefore on the above issues No. 1 to 4 are as under :

1. In the circumstances of the case it is not necessary to hold that the enquiry is vitiated.
2. Question of management to lead evidence before this Tribunal relating to misconduct of Shri Anup Singh does not arise.
3. Punishment awarded is not legal and proper.
4. Termination/action taken against the workman is not justified on facts of the case.

14. Reference is, therefore, answered as follows :—

Demand No. 1 :—Claim of the workman Shri S. M. Izaharul Haque in Cat. IV that he was working as Mate in Cat. IV from 21-9-1976 to 21-9-1981 and his further claim for promotion as Munshi in monthly scale of pay w.e.f. 1-6-82 are justified. He is entitled to his due promotion in Munshi Cat. IV from 26-10-79 as claimed by him and as Munshi in monthly scale of pay with effect from 1-6-1982 with all the difference of wages and consequential reliefs.

Demand No. 2.—Action of the Sub-Area Manager, Banki Mongra Colliery of W.C.L., Bankimongra in dismissing Shri Anup Singh, Loader from his service with effect from 5-11-82 is not fair and justified. He is entitled to be reinstated in service with effect from 5-11-82 without any backwages and consequential reliefs, but with continuity in service.

Parties will bear their own costs.

V. N. SHUKLA, Presiding Officer

[No. L-22011/59/83-D. III(B)/DV]

RAJA LAL, Desk Officer

नई दिल्ली 10 अप्रैल, 1991

का.प्रा. 1262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

New Delhi, the 10th April, 1991

S.O. 1262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(145)/1990

PARTIES:

Employers in relation to the management of Life Insurance Corporation of India, Indore, and their workman Shri K. L. Yadav, Gardener, represented through the General Secretary, Indore Division Insurance Association, 59, Bima Nagar, Indore-452001.

APPEARANCES:

For Workman—Shri P. C. Jain.

For Management—Shri M. S. Joshi.

INDUSTRY : Insurance

DISTRICT : Indore (M.P.)

AWARD

Dated : March 14th 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-17012/

42/89-IR(B)-I(B-2) dated 24th May, 1990, for adjudication of the following dispute :—

"Whether the action of the Management of the Life Insurance Corporation of India, Indore, in terminating the services of Shri K. L. Yadav, Gardener is justified or not? If not, to what relief the workman is entitled?"

2. Notices were issued to the parties to file their respective statement of claims. Workman did not file any statement of claim. Management has filed its statement of claim along with certain documents. Management in its statement paras 4 and 5 stated as under :—

"4. Without prejudice to above it is submitted that Shri K. L. Yadav was considered on his application for the post of Hammal. As Mr. K. L. Yadav's name was under the active consideration for the above post of Hammal, the First Party, after the failure of conciliation proceedings in ALC-7 (23)/89 has intimated to the Second Party that they do not wish to continue the litigation, Mr. K. L. Yadav has been appointed as Hammal by the Second Party by their appointment letter dated 15-5-90. Mr. K. L. Yadav has joined the services of the Second Party from 16-5-90.

5. That the action taken by the Management prior to Mr. K. L. Yadav's appointment as Hammal was legally justified and he is not entitled to any relief. As Mr. K. L. Yadav has been appointed and joined the Second Party from 16-5-90, no adjudication of the alleged dispute is now necessary.

It is, therefore, prayed that the proceedings be dropped henceforth."

3. On 31-1-1991 parties have confirmed that the workman has already been appointed and the matter has been settled. They do not want to proceed with the case.

4. In view of the above, there remains nothing to be adjudicated upon. Hence the reference becomes infructuous. Award is made accordingly.

V. N. SHUKLA, Presiding Officer

[No. L-17012/42/89-IRB-I(B-2)]

का.प्रा. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(29)/1989

PARTIES:

Employers in relation to the management of Bhartiya Jeevan Bima Nigam, Mandal Karyalaya, Jeevan Prakash Madan Mahal, Nagpur Road-482001 and their workman, Shri Surendra Verma, represented

by Shri A. R. Rao, Secretary, Insurance Workers' Union, Jeevan Prakash, Madanmahal Nagpur Road, Jabalpur-482001.

APPEARANCES :

For Workman—Shri A. R. Rao.

For Management—Shri R. P. Agarwal, Advocate.

INDUSTRY : Insurance DISTRICT : Jabalpur (M.P.)

AWARD

Dated : March 21, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-17012/5/88-D-4(A)/D-1(B) dated 25-1-1989, for adjudication of the following dispute :—

“Whether the action taken by the management of Life Insurance Corporation of India, Jabalpur in not giving promotion to Shri Surendra Verma according to his seniority is justified? If not, to what relief the workman is entitled?”

2. This reference arises out the conduct of the workman to the effect that he refused the offer of promotion to the cadre of Higher Grade Assistant at Sagar from the post of Assistant Divisional Office Jabalpur which was issued vide order No. Est/Per dated 15-10-1983 and insisted to be posted at Jabalpur on promotion.

3. The workman has given long story of his merits that being senior most he must have been adjusted at Jabalpur. It is not necessary for me to go into the details. Some of his representations for posting at Jabalpur were also not accepted.

4. According to the workman, according to the rules he being the senior most he should have been posted at Jabalpur and instead of posting him at Jabalpur contrary to the principles of Rules, one junior Mr. Pant was posted at Jabalpur, thereby discriminating him. Accordingly, he has claimed promotion, which he was deprived of, with an order of posting at Jabalpur and all consequential benefits.

5. Management has advanced its own problems and difficulties stating that he could not be posted at Jabalpur on promotion because no post as such was available at Jabalpur. Thus he forfeited his promotion. Again he was offered promotion and posted at Sidhi. That offer he could not avail of. Shri Pant was absorbed in Mechanical Department which post came into existence after the promotion order of the workman concerned was passed. It is a specialised Branch. Shri B. D. Pant was an experienced hand in the Branch because he was working in the Machine Department for last 20 years and was senior most fellow. Thus in no case the workman could be posted at Jabalpur and he has forfeited his claim of promotion twice by not joining respectively at Sagar and Sidhi. The second offer was made on 1-5-1984. But that too was not availed by the workman. Shri Verma has since been punished for submitting false T.A. Bills he has been charge-sheeted. His claim is liable to be rejected.

6. The workman has proved 10 documents Ex. W/1 to Ex. W/10 in support of his case and the management has proved one document Ex. M/1 in support of its case. There is nothing on record to show that the workman had a right to be posted at Jabalpur being the senior most officer. The management has also denied that he was senior most at the time of the order as pleaded by it and can be seen from Ex. W/1. He is at Serial No. 9.

7. Even assuming that Shri Verma was senior most and a post was vacant at Jabalpur no law could be pointed out to me that by way of right he should be posted at Jabalpur on promotion. The management as per Ex. M/1 has tried to show that it is as late as on 7-5-1984 that the post in Machine Department was created in Jabalpur and Shri Pant who was an experienced man in the Branch

was posted at Jabalpur and it cannot be said that the workman concerned was discriminated.

8. Representation Ex. W/2 itself show that the workman had prayed for posting on humanitarian ground because his wife was sick and so on. This cannot be said to be a right, his case could have been considered on compassionate grounds, but on that account he cannot claim by way of right to be posted at Jabalpur.

9. The workman has also claimed his promotion. This claim obviously cannot be connected with his claim of promotion at Jabalpur. Claim of promotion is one thing and the claim of promotion at Jabalpur is another thing. Thus the question whether the claim of promotion of the workman has been forfeited or not is a different matter which is not a subject matter of reference. The only thing that can be considered here is whether the workman concerned had a just right to be posted at Jabalpur on promotion. This right he has not.

10. I answer the reference accordingly with the observation that the case of the workman concerned may be considered sympathetically. It can neither be said that the action of the management in non-posting him at Jabalpur on the basis of seniority is not justified nor it can be said that the claim of the workman is justified. He is not entitled to relief of promotion through this reference. No order as to costs. Award is made accordingly.

21-3-1991.

V. N. SHUKLA, Presiding Officer

[No. L-17012/5/88-D. IV(A)|D-I (B)]

का. प्र. 1264—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, प्रबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Punjab and Sind Bank and their workmen, which was received by the Central Government on 9-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(112)/88.

PARTIES :

Employers in relation to the management of Punjab & Sind Bank, Gandhi Chowk Badar, Chatterpur (M.P.) and their workman, Shri Ramesh Kumar Sahu, S/o Shri Churaman Sahu, Matwari Mohalla, Near Kada Ki Waria, Chatterpur (M.P.).

APPEARANCES :

For Workman.—Shri P. N. Sharma,

For Management.—Shri R. S. Pandey, Asstt. Manager.

INDUSTRY : Banking. DISTRICT : Chatterpur (M.P.)

AWARD

Daed : March 22nd, 1991

This is a reference made by the Central Government, Ministry of Labour vide its Notification No. L-12012/649/

87-D.II(A) Dated 27th October, 1988, for adjudication of the following dispute :—

“Whether the action of the Management of Punjab & Sind Bank in terminating the services of Shri Ramesh Kumar Sahu w.e.f. 19-12-84 is justified ? If not to what relief is the workman entitled?”

2. In the instant case after the written statement was filed the management used to remain absent and the case proceeded ex-parte against the management vide proceedings dated 15-5-1990.

3. Undisputed facts that come out from the pleadings are that the workman concerned was employed in Chatarpur Branch of the management as a Peon on 3-12-1983. His services were terminated with effect from 19-12-1984.

4. According to the workman, he served continuously for the said period except on artificial break against a permanent post. Thus he had completed more than 249 days continuous service. His services were terminated without any enquiry or notice and retrenchment compensation as envisaged under Sec. 25B of the I.D. Act. He is, therefore, entitled to be reinstated with full back wages and all other ancillary benefits.

5. Management says that he was a casual daily wage employee because for sometime the permanent employee who was working as a Peon was not available. He was paid on daily wages for a number of days he was engaged. His work was not satisfactory and he was accordingly discontinued. Workman is working at several places. It was not necessary to give him retrenchment notice or compensation under Sec. 25F of the I.D. Act nor any enquiry was necessary to remove him from service.

6. Reference was the only issue in this case.

7. Workman has filed his own affidavit in support of his case which remained unchallenged. The management has also not filed attendance register irrespective of the direction of the Court vide proceedings 16-2-1990 and therefore adverse inference should be drawn against the management.

8. From the affidavit of the workman it is established that he had completed one year continuous service and his services could not be terminated in violation of the provisions of Sec. 2(oo) and Sec. 25F of the I.D. Act as held in various judgements of the Supreme Court such as State Bank of India Vs. N. Sundara Money (AIR 1976 SC 1111); Mohan Lal V. Bharat Electronics Ltd. (AIR 1981 SC 1253) etc.).

9. The workman, therefore, is entitled to be reinstated with no order as to back wages but continuity in service from 3-12-1983. No order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer

[No. I-12012/649/87-D-II(A)]

का.प्र. 1265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंधान में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, अनुसंधान निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार की 9-4-91 को प्राप्त हुआ था।

S.O. 1265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on 9-4-1991.

1077 GI/91—9

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(MISC)(2)/1590

(Case No. CGIT/LC(R)(12)/1989)

PARTIES :

Employers in relation to the management of Punjab National Bank, 84 Patrekar Colony, Indore (M.P.) and their workman Radhe Kishan, H. No. 21, Gali No. 2, Kachhi Mohalla, Krishnapur, Biora, Raigarh (M.P.)

APPEARANCES :

For Workman—Shri M. L. Sabharwal,

For Management—Shri C. P. Panigrahi, Manager.

INDUSTRY : Banking

DISTRICT : Indore (M.P.)

AWARD

Dated : March 14th 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. I-12012/754/87-D. II(A) dated 5-1-1989, for adjudication of the following dispute :—

“Whether the action of the management of Punjab National Bank in dismissing from service Shri Radhe Kishan is justified ? If not, to what relief is the workman entitled?”

2. In the above dispute an ex-parte Award was delivered on May 16, 1990 holding that the action of the management of Punjab National Bank in dismissing from service Shri Radhe Kishan was not proper and as he would be entitled to reinstatement with full back wages and consequential benefits. The Award was published in the Gazette of India vide Notification No. 1-6-1990.

3. On 13-6-1990 an application was moved by the management for setting aside the ex-parte award made on 16-5-1990. The application was registered as Misc. Case No. CGIT/LC(Misc)(2)/90 and notice was issued to the other party for filing the reply and hearing on 6-7-1990. On 6-7-1990 Shri Panigrahi filed affidavit and certain documents. Shri Sabharwal for the workman sought time to file reply which was granted.

4. On 4-3-1991 both the representatives of the workman and the management appeared and filed an application praying that they have come to a mutual settlement and the ex-parte award dated 16th May, 1990 be set aside and an award in terms of settlement may be given. Parties verified the settlement. Since the parties have arrived at a mutual settlement the ex-parte Award dated 16-5-1990 is set aside, case is restored and an award is passed in terms of the settlement which are as under :—

1. That Shri Radha Kishan, the workman concerned will be reemployed afresh by the employer bank in subordinate cadre at the initial of the basic pay i.e. Rs. 815. He will undergo the usual period of probation in accordance with Bank's rules.
2. After his fresh appointment, the workman concerned shall be governed by the rules and regulations/awards/settlements, as applicable to other employees of his cadre in the bank.
3. The workman concerned shall not be entitled to monetary or any other benefits in any shape or form for the services already rendered by him and/or for the intervening period between his dismissal vide order dated 28th June, 1985 and re-employment in accordance with these terms.

4. The offer of fresh appointment shall be made by the Bank within 30 days of the consent award given by this Hon'ble Tribunal.

Award is given in terms of the above settlement. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. I-12012/754/87-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 11 अप्रैल, 1991

का.प्र. 1266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिस्टेंडेंट आफ पोस्ट आफिस, जबलपुर के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 10-4-91 को प्राप्त हुआ था।

New Delhi, the 11th April, 1991

S.O. 1266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Office, Jabalpur and their workmen, which was received by the Central Government on 10-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(47)/1988

PARTIES :

Employers in relation to the management of Superintendent of Post Offices, Jabalpur Circle and Kum. Indu Prabha Garg, D/o Shri C. P. Garg, Village and P.O. Dhounesar, Tehsil Sihora, District Jabalpur (M.P.)

APPEARANCES :

For Workman—Shri C. P. Garg.

For Management—Shri T. G. Kothli.

INDUSTRY : Post & Telegraph

DISTRICT : Jabalpur (M.P.)

AWARD

Dated : March 22, 1991.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. I-40012/2787-D II(B), dated 6th May, 1988 for adjudication of the following dispute :—

“Whether the action of management of Sr. Superintendent of Post Offices, P&T in terminating Kumari Indu Prabha Garg, Ex-ED Post Master, village Dhounesar Teh. Sihora from service with effect from 13-10-86 (A.N.) is legal/justified? If not, to what relief the workman concerned is entitled and from what date?”

2. Undisputed facts of the case are that Kum. Indu Prabha Garg was appointed as P.D. Post Master in Branch Post Office, Dhounesar Teh. Sihora District Jabalpur with effect from 7-1-1977 vide Memo No. Plg-12 Dhounesar, dated 27-2-1981.

3. According to the workman her services were terminated with effect from 13-10-1986 vide order dated 17-9-86.

No departmental action was taken against her. She is entitled to be reinstated with full back wages.

4. According to the management, her services were never terminated. She was only put off (suspended from duty with effect from 13-10-86 owing to unauthorised absence from duty and in irregular work and allowing various persons to carry on Post Office. She is not entitled to any allowance. She was put off from duty. She has been re-instated vide order dated 16-4-1988 and she has already joined with effect from 2-5-1988. Thus there is no disputes. Departmental enquiry is in progress against her and the reference is liable to be rejected.

5. Reference was the issue in this case.

6. Documentary evidence Ex. W/1 to Ex. W/4 has been adduced. In view of the fact that the workman was not removed from service and she had been only suspended and she has joined, the only question is whether she is entitled to the wages of the period of her being put off as narrated by the management. According to the management, it was the period of suspension. If that was so, she must have been given subsistence allowance and would have been dealt with in accordance with law. Thus the reference is disposed of with a direction that her wages/allowances for suspension period should be considered and disposed of according to law because the question of suspension or departmental enquiry is not under reference here. I refrain to make any observation in this regard. Award is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. I-40012/2787-D.II(B)(47)]

का.प्र. 1267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधिष्ठित पंचपट, जबलपुर के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 10-4-91 को प्राप्त हुआ था।

S.O. 1267.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workmen, which was received by the Central Government on 10-4-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(86)/1986

PARTIES :

Employers in relation to the management of Ordnance Factory, Khamaria, Jabalpur and their workman, Shri Ram Prakash S/o Shri Deoki Nandan Pansel, Labour 'R' P/o Narzo, P.O. Phanwari, Teh. Sihora, District Jabalpur. (M.P.)

APPEARANCES :

For Workman : Shri M. Chandra, Advocate.

For Management : Shri S. S. Jha, Advocate.

INDUSTRY : Ordnance Factory. DISTRICT : Jabalpur (M.P.)

AWARD

Dated, March 22, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-14012/25/85-D.II(B), dated November, 1986, for adjudication of the following dispute :—

"Whether the action of the Management of Ordnance Factory, Khamaria, Jabalpur (MP), in terminating the services of Shri Ram Prakash S/o Deoki Nandan Pyasi, Labour 'B' with effect from 26-2-82 is justified? If not, to what relief the workman concerned is entitled to and from what date?"

2. Facts leading to this reference are that the workman, Shri Ram Prakash S/o Shri Deoki Nandan, was appointed as casual labour Gr. 'B' under the management of Ordnance Factory, Khamaria, Jabalpur with effect from 15-10-1981. His services were terminated with effect from 26-2-1982 with a remark that they are no longer required.

3. According to the workman, during the conciliation proceedings before the Regional Labour Commissioner (Central) Jabalpur management took a new and false plea that a criminal case was pending against the workman and because he suppressed this fact, his services were terminated. Thus he could not be removed from service without holding D.E. and giving him an opportunity of being heard. The termination order is liable to be set aside and the workman is entitled to be reinstated, with full back wages and compensatory costs.

4. Management says that the workman was offered the appointment vide Factory appointment letter dated 23-9-1981 on a purely temporary basis for a period of three months and he joined the Factory on 15-10-1981. After his appointment the workman completed the attestation form on 15-10-81 which was duly sent to the concerned authorities for police verification. It was discovered that he had concealed the fact of his involvement in a criminal case which is pending against him under Sec. 456/380/499 I.P.C. Thus he was found unfit for being taken in Government job. Since he had a short service and held the casual appointment his services were terminated. The Ordnance Factory is not an 'industry' within the meaning of Sec. 2(j) of the I.D. Act and this Court has no jurisdiction to try this reference. It is accordingly liable to be rejected.

5. At the outset it must be pointed out that in various judgments this Tribunal has consistently held that the establishment of the Ordnance Factory such as Gun Carriage Factory, Vehicle Factory, Central Ordnance Factory or Ordnance Factory are the industry within the meaning of Sec. 2(j) of the I.D. Act and the following extract from the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa (1978 AIR p. 969, para 172) decided by the Hon'ble Supreme Court is noteworthy :

"Items 8, 11, 12, 17 and 18 of the first Schedule read with Section 2(n)(vi) of the Industrial Disputes Act render support to this view. These provisions which were described in Hospital Mazdoor Sabha (AIR 1960 SC 610) as 'very significant' at least show that conceivably, a Defence Establishment, a Mint or a Security Press can be an industry even though these activities are, ought to be and can only be undertaken by the State in the discharge of its constitutional obligations or functions. The State does not trade when it prints a currency note or strikes a coin. And yet, considering the nature of the activity, it is engaged in an industry when it does so."

The M.P. High Court at Jabalpur has also held in M.P. No. 1969/83 Rajendra Naidu Vs. Union of India and two others that such type of industries are 'industries' within the definition of the I.D. Act.

(6) In this regard proviso to Sec. 2(j)(ii)(9)(ka)(a) is noteworthy which runs as under :—

"(a) If any unit of such establishment or undertaking carrying on any activity, being an industry, is sever-

able from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking."

I therefore hold that Ordnance Factory, Khamaria, Jabalpur is an industry within the meaning of Sec. 2(j) of the I.D. Act. Shri Ram Prakash is a workman is not challenged hence this Court has jurisdiction to entertain this reference and adjudicate upon the dispute. Obviously for this reason the Central Government has referred the dispute to this Tribunal, for adjudication.

7. Coming to the facts on record workman has proved six documents Ex. W/1 to Ex. W/6 and management proved three documents Ex. M/1 to Ex. M/3. Workman has examined himself as W.W. 1.

8. Ex. W/1 itself shows that the workman was taken in service purely as a casual labour temporarily for three months. In the instant case, however, three months had completed on 15-1-82 and his services were terminated beyond three months i.e. after the above stipulated period of three months.

9. The question is whether because the workman had completed more than three months service, he became entitled to continuity in service unless his services were terminated by due process of law i.e. after holding a D.E.

10. It is nobody's case that D.E. was held against the workman concerned in the instant case. It is true that his termination order was an order of termination simpliciter but from the evidence on record it is apparent that because according to the management he was not fit for the job because a criminal case was pending against him and which fact is concealed by the workman his services could be removed without holding a D.E. because his initial appointment was not based on true facts as given by the workman. He was certainly not dismissed from service and it was a removal simpliciter. It is certainly a question whether this amounts to dismissal in the circumstances of this case.

11. This is a peculiar case in which a narrow thread line distinguishes this case from other cases inasmuch as per Ex. M/3 dated 15-10-1981, Clauses 12(i)(a), (b) and (d) the workman had to disclose whether he was ever arrested, whether he was ever prosecuted and whether he had to furnish bail. To this the workman had said no. The order Ex. W/4 however tells of a different story. A criminal case bearing No. 1337/80 was pending before a Judicial Magistrate, First Class, Sihora under Sec. 458/380 etc. In this case the workman, Ram Prakash S/o Deoki Nandan, has been arrayed as accused No. 17. The proceedings dated 30-11-82 (Ex. W/4) disclose that charge under Sec. 454 and 380 of I.P.C. was not ordered to be framed against him. Consequences are well known. The workman concerned must have been arrested during the year 1980-81 because obviously a Challan was put up before a Court of Law in the year 1980 as the registration number discloses. Consequently, he must have furnished bail also. Proceedings are dated 30-11-82. Thus on 15-10-81 on which date the workman had filled in Form Ex. M/3 not only a criminal case was pending against him, but he was arrested and bailed out, but he has given a false information stating that he was never arrested, he never furnished bail nor was he prosecuted. Workman cannot avoid it by saying in cross-examination that he had simply signed Ex. M/3. The workman himself admitted earlier that he had no information of the criminal case against him but later on he had to admit that he had been appearing before the Court along with his Counsel. Thus the basis of the appointment of the workman was on wrong informations. He must thank himself that his was a case of termination simpliciter. He was not prosecuted for furnishing false information, not was he dismissed from service after holding due D.E. against him.

12. In the circumstances of this No. D.E. was necessary. He had not completed 240 days service. There is no violation of the principles of natural justice. He is not entitled to any relief whatsoever. The reference is accordingly answered as follows :—

The action of the Management of Ordnance Factory, Jabalpur (M.P.) in terminating the services of Shri

Ram Prakash S/o Deoki Nandan Pyasi, Labour 'B' with effect from 26-2-82 is justified. He is not entitled to any relief. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-14012/25/85-D.II(B)(Pt.)]

नई दिल्ली, 16 अप्रैल, 1991

का. प्र. 1268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहतक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

New Delhi, the 16th April, 1991

S.O. 1268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 11th April, 1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 71/89

Prem Kumar

Vs.

Telecommunication Department.

PRESENT :

For the workman—None.

For the management—Shri Arun Walia.

AWARD

Central Government vide gazette notification No. L-40012/64/88-D-2(B) dated 2nd May 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision :

"Whether the action of the telecommunication District Engineer, Rohtak in terminating the services of Shri Prem Kumar son of Shri Shiv Narain Casual worker w.e.f. 1st April, 1988 is justified fair and legal ? If not, to what relief the worker concerned is entitled to ?"

2. On receipt of the reference the notice was issued to the workman but he did not respond and did not put up appearance. Repeated registered letters were issued to him but the workman did not appear. Thus the reference is returned for want of prosecution.

Chandigarh,

4-4-91.

ARVIND KUMAR, Presiding Officer
[No. L-40012/64/88-D.II(B)(Pt.)]

का. प्र. 1269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहतक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

S.O. 1269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 11th April, 1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. 24/90

Satish

Vs.

Telecommunication Department.

PRESENT :

For the workman—None.

For the management—Shri Arun Walia.

AWARD

Central Government vide gazette notification No. L-40012/92/89-D2(B) dated 31st January, 1990 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Satish.

"Whether the action of the telecommunication district Engineer, Rohtak in terminating the services of Shri Satish son of Shri Madho Singh Casual worker w.e.f. 23rd May, 1987 is just and fair and legal? If not, to what relief the workman concerned is entitled to?"

2. On receipt of the reference the notice was issued to the workman but he did not respond and did not put up appearance. Repeated registered letters were issued to him but the workman did not appear. Thus the reference is returned for want of prosecution.

Chandigarh.

4-4-1991.

ARVIND KUMAR, Presiding Officer
[No. L-40012/92/89-D.II(B).IR(DU)(Pt.)]

का. प्र. 1270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन रोहतक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

S.O. 1270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication Rohtak and their workmen, which was received by the Central Government on 11th April, 1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 207/89

Ramesh Kumar

Vs.

Telecommunication Department.

PRESENT :

For the workman—None.

For the management—Shri Arun Walje.

AWARD

Central Government vide gazette notification No. L-40012/20/89-D-2(B), dated 11th December, 1989 issued U/S. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Ramesh Kumar :

“Whether the action of the telecommunication District Engineer, Rohtak in terminating the services of Shri Ramesh Kumar son of Shri Raj Mud casual worker w.e.f. 22nd May, 1987 is justified, fair, legal? If not to what relief the workman concerned is entitled to?”

2. On receipt of the reference the notice was issued to the workman but he did not respond and did not put up appearance. Repeated registered letters were issued to him but the workman did not appear. Thus the reference is returned for want of prosecution.

Chandigarh.

4-4-1991.

[No. L-40012/20/89 IR(DU)(Pt.)]

ARVIND KUMAR, Presiding Officer

का. प्र. 1271.—प्रोद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार की बी. एम. बी. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट प्रोद्योगिक विवाद में केन्द्रीय सरकार प्रोद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-4-91 का प्राप्ति हुआ था।

S.O. 1271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 11th April, 1991.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH.
I.D. No. 63/90

Miss Davinder Kaur

Vs.

Bhakra Beas Management Board.

PRESENT :

For the workman—None.

For the management—Shri C. Lal.

AWARD

Central Government vide gazette notification No. L-42012/181/89-D.II(B) dated Nil issued U/S. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Miss Davinder Kaur :

“Whether the action of the management of the B.B.M.B. represented through the Chief Engineer, Nangal Dam Division, in terminating the services of Miss Davinder Kaur w.e.f. 31st May, 1988 is justified? If not then what other relief the workman is entitled to and with what effect?”

2. Present case was represented by me Shri Ram Kishan Singh on behalf of the workman. However Shri Ram Kishan Singh has made a statement on 11th October, 1990 that he

has no instructions from the workman, Regd. notice was issued to the workman but none has turned up. The present reference is dismissed in default. Labour Ministry be informed. Chandigarh.

ARVIND KUMAR, Presiding Officer

11-3-1991.

[No. L-42012/181/89-D.II(B)(Pt.)]

का. प्र. 1272.—प्रोद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार की बी. एम. बी., नंगल टाउनशिप के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट प्रोद्योगिक विवाद में केन्द्रीय सरकार प्रोद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-4-91 का प्राप्ति हुआ था।

S.O. 1272.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BBMB Nangal Township and their workmen, which was received by the Central Government on 11-4-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I. D. No. 48/90

Shri Dev Raj Vs. Bhakra Beas Management Board

PRESENT :

For the workman : None.

For the management : Shri C. Lal.

AWARD

Central Government vide gazette notification No. L-42012/175/89-D.II(B) dated nil issued U/S10(1)(d) of I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Dev Raj :

“Whether the action of the management of the BBMB represented through the Chief Engineer Nangal Township in terminating the services of Shri Dev Raj S/o Surat Ram w.e.f. 30-11-88 is justified? If not then what other relief the workman is entitled to and what effect?”

2. Present case was represent by me Shri Ram Kishan Singh on behalf of the workman. However Shri Ram Kishan Singh has made a statement on 11-10-90 that he has to instructions from the workman. Regd. notice was issued to the workman but none has turned up. The present reference is dismissed in default. Labour Ministry be informed.

Chandigarh

11-3-91

ARVIND KUMAR, Presiding Officer

[No. L-42012/175/89-D.II(B)(Pt.)]

का. प्र. 1273.—प्रोद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेणव के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट प्रोद्योगिक विवाद में केन्द्रीय सरकार प्रोद्योगिक, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-4-91 का प्राप्ति हुआ था।

S.O. 1273.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 17-3-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

I.D. No. 146/90

Shri Shiv Charan Vs. Northern Railway.

PRESENT

For the workman : Workman in person.

For the management : Non.

AWARD

Central Government vide gazette notification No. L-41012/26/90-IR(DU) dated 22-10-90 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Shiv Charan :

“Whether the action of the management in compulsorily removing Shri Shiv Charan from service is fair and justified? If not, to what relief the workman is entitled and from what date?”

2. Mr. Shiv Charan has made a statement that another reference No. I.D. 145/90 on the same subject is pending in this court and he has stated that he does not want pursue with the present reference. In view of the statement made by the workman, reference is returned as withdrawn. Ministry of Labour be informed.

Chandigarh

Dated : 26-10-90

ARVIND KUMAR, Presiding Officer
No. L-41012/26/90-IR(DU)(Pt)]

नई दिल्ली, 19 अप्रैल, 1991

का. मा. 1274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रेलवे इलेक्ट्रिकेशन कोटा के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार 11-4-91 को प्राप्त हुआ था।

New Delhi, the 19th April, 1991

S.O. 1274.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Railway Electrification Kota and their workmen which was received by the Central Government on 11-4-91.

अनुबंध

व्यावधान, औद्योगिक व्यावधिकरण, कोटा राजस्थान

निर्देश प्रकरण कपात: प्रो. स्वा. रे. (केन्द्रीय) 19/1989

दिनांक स्थापित: 3-11-89

प्रसंग : भारत सरकार, श्रम मंत्रालय के आदेश संख्या एल-41011/

4/88-बी-2(बी) दिनांक 23/10/89

औद्योगिक विवाद अधिनियम, 1947

मध्य

इलेक्ट्रिकल सेफ्टी, पश्चिम रेलवे कर्मचारी परिषद्, भीमगंज मण्डी, कोटा।

—प्रार्थी यूनियन

एवं

1. चीफ प्रोजेक्ट मैनेजर, रेलवे इलेक्ट्रिकेशन, कोटा।

2. चीफ इलेक्ट्रिकल इंजीनियर, रेलवे इलेक्ट्रिकेशन, कोटा।

3. सीनियर पर्सनल ऑफिसर, रेलवे-इलेक्ट्रिकेशन, कोटा।

—प्रतिपक्षीय नियोजक

उपस्थित

श्री जगदीशप्रसाद,

घर. एच. जे. एस.

प्रार्थी यूनियन की ओर से प्रतिनिधि :— श्री ए. जी. शोबर

प्रतिपक्षीय नियोजक की ओर से प्रतिनिधि :— श्री जी. एन. मीना
अधिनियम दिनांक: 13 मार्च, 1991

अधिनियम

भारत सरकार, श्रम मंत्रालय द्वारा निम्न विषय औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(घ) एवं उपधारा (2-क) के अन्तर्गत इस व्यावधिकरण की अधिनियमार्थ सम्प्रेषित किया गया है —

“Whether the action of the Chief Project Manager [Chief Electrical Engineer and Sr. Personnel Officer, Railway Electrification, Kota] is justified in not granting the temporary status to S/Shri Basanti Lal, Suresh Cand, Mohanlal Nagar, Kishore Kumar and Satish Chandra under C.P.M. RE, Kota? If not, what relief these workmen are entitled to?”

2. निर्देश व्यावधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को नोटिस जारी किये गये तदुपरांत दोनों पक्षों ने अपनी-अपनी उपस्थिति व्यावधिकरण में की।

3. यह प्रकरण आज प्रार्थी अधिकरण की ओर से क्लेम स्टेटमेंट प्रस्तुत किये जाने हेतु नियत है, परन्तु अधिक प्रतिनिधि श्री ए. जी. शोबर ने प्रकट किया कि सम्बन्धित अधिकरण का प्रतिपक्षीय के द्वारा प्रत्याई किया जा चुका है व पक्षकारों के मध्य श्रम कोई विवाद गेब नहीं रहा है, अतः विवाद रद्द अधिनियम पारित कर दिया जावे। प्रतिपक्षीय की ओर से प्रतिनिधि के रूप में श्री जी. एन. मीना उपस्थित हुए जिन्होंने भी अधिक प्रतिनिधि के उक्त कथन पर अपनी सहमति प्रकट की है और उन्हें कोई आपत्ति नहीं है। चूंकि प्रार्थीय द्वारा कोई क्लेम प्रस्तुत नहीं किया गया है व अधिक प्रतिनिधि के उक्त कथन के अनुसार कोई विवाद पक्षकारों के मध्य रहना नहीं बताया जाता है, अतः इस प्रकरण में “विवाद रद्द अधिनियम” पारित किया जाता है।

इस अधिनियम को भारत सरकार, श्रम मंत्रालय का नियमानुसार प्रकाशनार्थ भिजवाया जावे।

जगदीश प्रसाद व्यावधिकरण,

औद्योगिक व्यावधिकरण, कोटा

[सं. एल. 41011/4/88-बी-II-(बी) (पार्ट I)]

के.बी. उन्नी, ई.एस. अधिकारी

नई दिल्ली, 11 अप्रैल, 1991

का.प्र. 1275 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा निम्नलिखित, अथवा निम्नलिखित और उनके समकक्षों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक-विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

New Delhi, the 11th April, 1991

S.O. 1275.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 8-4-91.

ANNEXURE

BEFORE SHRI ARJAN DEV. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU-NAGAR, KANPUR

Industrial Dispute No. 83 of 1978

In the matter of dispute between :

The President,
Indian National Bank Employees Congress,
19, Garbar Jhala,
Lucknow.

AND

The Regional Manager,
Allahabad Bank,
Hazaratganj,
Lucknow.

APPEARANCE :

Shri M. K. Verma, Advocate, Authorised representative for the Bank.

Shri O. P. Nigam, Authorised Representative for the Union.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12011/27/78-D-II(A) dated 12/17/10-10-1978, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank in dismissing Shri Jagat Narain Kapoor, Clerk Aminabad Branch in Lucknow w.e.f. 17-12-1976 is Legal and justified? If not, to what relief is the workman entitled?

The admitted facts are that Shri Jagat Narain Kapoor, workman was appointed as clerk in the Allahabad Bank in 1951. On 28-8-1971, while he

was working as clerk at Aminabad Lucknow Branch of the Bank, the manager of the said branch lodged a F.I.R. at Police Station Aminabad Lucknow against the workman in respect of fraud committed by the workman in respect of the account of Shri Uday Pratap Singh. On the said F.I.R. a case under sections 420, 467 and 468 I.P.C. was registered against the workman. After two days i.e. on 30-8-1971, the workman was suspended. The police gave a final report on 31-1-1972 which was accepted by Judicial Magistrate Lucknow on 10-4-1972. After the acceptance of the final report by the Judicial Magistrate Lucknow, on 18-4-1972, the workman applied for permission to join duty and also for payment of full pay and allowances from the time of his suspension. Not satisfied with the police investigation and acceptance of the final report by the Judicial Magistrate Lucknow, the bank filed a criminal complaint in the court of Judicial Magistrate on 9-1-1973. This criminal complaint was ultimately dismissed on 19-8-1976. While the criminal case was pending against the workman, the management issued a memo to him on 3-12-1974. The said memo was replied by the workman on 25-1-1975. Not feeling satisfied with the explanation given by the workman the management issued a chargesheet to the workman on 4-5-1976. The charges were—

1. That on 23-6-1971, the credit balance in the account of Shri Uday Pratap Singh Srivastava with the Aminabad Park, Lucknow Branch was Rs. 69.47 and on 24-6-1971 you drew out the fictitious balance in the next line to read as Rs. 169.47 instead of Rs. 69.47.
2. That you made further alteration in figure '1' (one of Rs. 169.47 by over writing '3' to make it Rs. 369.47 in place of correct balance of Rs. 69.47.
3. That the addition of '1' (one) at the hundredth place in the next line of the correct balance of Rs. 69.47 was done on 24-6-1971 with the sole object of enabling encashment of cheques Nos. 491, 492, 493 and 494 drawn by Shri Uday Pratap Singh Srivastava for Rs. 20, Rs. 2, Rs. 36 and Rs. 44 respectively aggregating Rs. 102 and presented through clearing which otherwise could have been met. The overwriting from '1' to '3' was further made by you to facilitate payment of a cheque No. 548 for Rs. 200. That in order to make good the deficiency in the balance, you personally deposited a cheque for Rs. 300 on 29-6-1971. This cheque for Rs. 300 was drawn on the United Commercial Bank, Naka Hindola Branch, Lucknow.
3. That on 4-8-1971, the credit balance in the account of Sri Uday Pratap Singh Srivastava was Rs. 2485.12 and a cheque No J-422125 for Rs. 3000 was drawn by Shri Uday Pratap Singh Srivastava and presented for encashment on 4-8-1971. In order to facilitate payment of this cheque for Rs. 3000 you made a fictitious entry on 4-8-1971, in the old ledger as on

14-6-1971 (when the balance were already carried over to new ledger in half year) and struck out the closing balance of the old ledger as Rs. 3063.47 when the correct balance of Rs. 63.47 was already struck out by you. Thereafter you altered the opening balance in the new ledger from Rs. 63.47 to Rs. 3063.47 and altered subsequent balance by adding the digit '3' upto 4-8-1971 except one balance of 26-7-1971 which was in green ink and was in the hand writing of another clerk.

4. That while tallying the day book of 27-5-1971, in the latter part of August, 1971, it came to notice that a cheque for Rs. 4000 drawn by Shri Udai Pratap Singh Srivastava favouring M/s. Rakesh Radio, Naka Hindola Lucknow, the proprietress of which is your wife, was missing. On investigation it came to light that the cheque in question was presented in clearing on 27-5-1971 by the United Commercial Bank, Naka Hindola Lucknow while the balance in the account of Shri Srivastava on 27-5-1971 was Rs. 195.19 only. Since your wife was being apparently benefited by it and as you were working on ledger No. 3 you destroyed or removed the cheque instead of returning the same to United Commercial Bank.

3. Shri R. W. Ellawadi was appointed as Enquiry Officer, but before he could commence inquiry proceeding he was replaced by Shri S. N. Sharma, another officer of the Bank. After dismissal of the criminal complaint, the workman again made a representation to the Bank on 27-8-1976, requesting that he should be treated as on duty and paid full pay and allowances of the entire period of suspension.

4. During inquiry proceeding, on 19-10-1976, the workman made the following statement in respect of the charges levelled against him before the E.O.—

I accept my negligence in accommodating the party.

On the basis of the said statement, the workman's representative requested the Enquiry Officer to close the enquiry and award him reasonable punishment. The Enquiry Officer thereupon recorded his findings in the following words.—

Since the employee has accepted the charges levelled against him, I recommend that he should be awarded punishment in terms of clause 19.6 of the First Bipartite Settlement as the misconduct committed by Shri Kapoor falls under the purview of gross misconduct vide clause 19.5(d) & (j) of the said settlement.

Thereafter by means of letter dated 9-12-1976, the workman was informed that considering the gross misconduct and gravity of the charges, the Disciplinary Authority had passed orders that he should be punished in terms of clause 19.6(a) of the 1st Bipartite Settlement. Therefore, he was being dismissed from bank's service with immediate effect. This communication was received by the workman on

17-12-1976. Against the order of punishment the workman filed an appeal on 24-12-1976.

5. The industrial dispute on behalf of the workman has been raised by Indian National Bank Employees Congress, Lucknow, (hereinafter referred to as Union). The Union has challenged the order of dismissal from service on a number of grounds. According to the Union because of lodging of FIR and further because of filing of criminal complaint by the management against the workman, the management had no power to dismiss him from service. Even if in such an event the bank had proceeded against the workman under para 19.11 and 19.12 of the First Bipartite Settlement and if after inquiry the bank was of the view that the workman should not continue in service of the bank, the proper procedure for the bank could have been to terminate his service; with three months pay and allowance in lieu of notice as provided in paras 19.3 & 19.4 of the First Bipartite Settlement. In fact after the acceptance of the final report of the Judicial Magistrate and dismissal of the criminal complaint filed by the bank, all that can be said is that the management acted illegally and maliciously by instituting the departmental inquiry against the employee with a view to harass him. Over all facts of the case would show that the management was guilty of delay and latches in the matter of institution of the disciplinary proceedings against the workman. Not only that, there was no evidence in support of findings of guilt against the workman. On the mere statement of the workman during inquiry that he accepted his negligence in accommodating the party, the charges cannot be held as proved. Even if the above statement accepting the negligence was made by workman only when the Chairman of the bank had given assurance to Shri O. P. Nigam, the representative of the workman, that workman would be let off with minor penalty in case he at least admitted his negligence with regard to the charges levelled against him. Order of dismissal was passed by the Disciplinary Authority without issuing a show cause notice to the workman with regard to proposed punishment. Thus the management violated the principles of natural justice. With the letter dated 9-12-1976, received by the workman on 17-12-1976, the copy of order of the disciplinary authority was not sent to the workman. Thus there was no proper communication of the actual order of punishment. The appeal filed by the workman has not been heard so far nor disposed of.

6. The Union has then challenged the order of suspension on various grounds enumerated in para 6 of the claim statement. Looking to the nature of the reference order I need not refer to these grounds.

7. The Union has, therefore, prayed that the order of dismissal from service be set aside and the workman be reinstated in service with full back wages and all consequential benefits.

8. The management have contested the case. The management plead that the account books of Aminabad Branch of the bank were not tallied for several years with the result that glaring cases of fraud, falsification of bank's account books and embezzlements came in light when investigations were carried out by senior officers of the bank. The management

further plead that after the filing of criminal complaint against the workman, the workman filed a civil suit in the court of Munsif South Lucknow challenging the order of suspension. The said suit was dismissed by Munsif South on 19-12-1975, holding that the suspension order was legal and valid. It was only when that the management observed that the cases pending in the court of law were totally time consuming and that the workman was being paid subsistence allowance for the past several years, the management decided to take disciplinary action against him. During the inquiry proceedings the workman admitted his guilt in the presence of his authorised representative and it was only when his authorised representative requested the E.O. to award him a reasonable punishment in view of the admission of the guilt by the workman, that the E.O. closed the proceedings and submitted his report to the Disciplinary Authority.

9. The management deny that the Chairman of the bank ever assured Shri O. P. Gupta, the representative of the workman that the workman would be let off with a minor penalty in case the workman atleast admitted his negligence with regard to the charges levelled against him. The workman voluntarily admitted his guilt in the presence of his representative before the inquiry officer. It was only after that the workman's representative had requested that in view of the admission made by the workman, the inquiry proceedings be closed, that the inquiry officer closed the inquiry proceedings. After finding him guilty, the E.O. submitted his report to the disciplinary authority who concurred with the findings of the inquiry officer and decided to dismiss the workman from the service of the bank. It was then that letter dated 9-12-1976 was served on the workman dismissing him from the service of the bank with immediate effect. During disciplinary proceedings the workman was given full opportunity to defend himself. The very fact that the workman preferred an appeal against the decision of the disciplinary authority goes to show that a valid order of dismissal was duly communicated to him. With regard to the period of suspension the management plead that of the said period the workman was only entitled to a subsistence allowance. Certain legal pleas have also been raised by the management. According to the management, the workman was not a member of the Union on the date on which the dispute on his behalf was raised by the Union nor on the date when the dispute was referred to the Tribunal by the Government. As such the Union has no locus standi either to raise or espouse the dispute of the workman. The management also plead that before approaching the Conciliation Machinery for settlement, the workman never raised any demand with the management, so the reference made by the Central Government is bad in law and the Tribunal has no jurisdiction to adjudicate upon the dispute referred to it by the Central Government.

10. In the rejoinder it is alleged by the Union that at the departmental inquiry the workman was represented by an office bearer of the Union and the said position was accepted by the management without any demur. Therefore, it is not open to the management to raise any controversy about the membership of the Union of the workman. The

workman was rightly represented before the Conciliation Authority. The Union admits that the workman had challenged his order of suspension in the Court of Munsif South Lucknow who dismissed his suit. The other facts alleged are merely reiteration of facts alleged in the claim statement.

11. The reference was originally made to Central Government Industrial Tribunal cum Labour Court, New Delhi, The then Presiding Officer, CGIT cum L.C. New Delhi, framed a preliminary issue on the point whether inquiry held as vitiated as alleged by the Union on 7-6-1983. Upon creation of GCIT cum L.C., Kanpur, this case was transferred to CGIT cum L.C., Kanpur, from CGIT cum L.C. New Delhi, some time in August, 1984. On 1-5-1985, my learned predecessor Shri R. B. Srivastava, decided the preliminary issue in favour of the Union. He held that the inquiry is vitiated as the findings are perverse being not made on unequivocal admission of the parties. After giving this finding he gave an opportunity to the management to prove their case afresh.

12. On 21-6-1985, the Union applied for review of the finding on the limited point that the bank may not be allowed to adduce further evidence to prove their case. The application was disposed of by my learned predecessor by means of his order dated 18-2-1986. He disallowed the prayer of the Union in this regard with the observation that the workman would be deemed to be on duty and would be entitled to full pay and allowances in view of the provisions of para 19.3(c) of the First Bipartite Settlement. In the light of the observation he directed the management to pay he dues to the workman failing which the workman might take steps for recovery of his dues. The management filed a written objection against this part of the order before the High Court of Allahabad. It appears that vide order dated 18-6-1986, the Hon'ble High Court stayed further proceedings in the case. Later on the said order was modified by the Hon'ble High Court on 14-10-1986, making it clear that the earlier order dated 18-6-1986 would not prohibit this Tribunal from proceeding with the main dispute or making final award. It appears that another interim order was passed by the Hon'ble High Court on 17-2-1987 in the writ petition. By means of this order the management was directed to pay to the workman 50% of the amount of wages by way of subsistence allowance w.e.f. 9-10-1976. The order also provided that the Tribunal would be free to give an award but the award would not be enforceable until an order to that effect is made by the Hon'ble High Court. Thereafter proceedings with regard to payment continued, before the Hon'ble High Court for some times.

13. In support of their respective cases both sides have adduced oral as well as documentary evidence. Management's oral evidence consists of the statements of MW.1 J. N. Shukla, Assistant Branch Manager, Bahraich MW.2 Shri Purshottam Kashvan, Hand Writing Expert, MW.3 Shri R. P. Misra, Manager, UCO Bank, Naka Hindola Lucknow and MW.4 Shri S. K. Malviya an officer of Allahabad Bank. On the other hand, the Union's oral evidence consists of UW.1 Shri J. N. Kanoor, workman, UW.2 Shri C. K. Jauhari, Hand Writing Expert and UW.3 Shri Narendra Mohan Saxena Advocate.

14. In this case both sides have filed written arguments. In his written arguments, Shri O. P. Nigam, authorised representative for the Union, has raised certain objections against the holding of inquiry by the Tribunal and has submitted how the Tribunal, in case it holds the inquiry should conduct the inquiry. According to him the inquiry by the Tribunal should not be held on the same very charge sheet. Further it should be conducted as per provisions of paras 19.11 and 19.12 of the Bipartite Settlement in the light of paras 19.3 and 19.4 of the said settlement. He has elaborated his submissions at pages 5 & 6 of his written arguments. The relevant portion reads as under :—

That we have no objection to hold the enquiry against the workman as per orders of this Hon'ble Tribunal but it should not be held on the same charge sheet, already pending against him, but it should have been made as per provisions of para 19.11 & 12 as provided in para 19.3 & 4 i.e. first he should have been reinstated and after that as per para 19.11 keeping in view of final report and dismissal of the Criminal complaint lodged by the Bank, a decision should again be taken to take disciplinary action against the workman which should have been communicated to the employee concerned within three days of taking decision of taking disciplinary action against the workman and after that another charge sheet as per para 19.12(a) should have been issued and he may be suspended after taking decision and issuing charge sheet as per provisions of para 19.12(b) i.e. during the pendency of the enquiry or the initiation of the enquiry.

After giving my anxious consideration to the points raised by Shri Nigam, I find no substance in the pleas raised by him. It is settled law that even an acquittal of an employee by the Criminal Court, is no bar in holding departmental inquiry. So it is open to the employer to adduce additional evidence before the Tribunal/Labour Court, in support of the charges levelled against the delinquent workman. This is so because in the criminal case the court is called upon to see whether the offences with which accused stands charged are proved beyond reasonable doubt or not, but it is not so in the case of a domestic inquiry. In the case of a domestic inquiry the E.O. has to assess the evidence adduced by the parties and see the evidence of which side is more reliable, convincing and worthy of credence. Further he is not required to observe during the conduct of inquiry strict rules of evidence as laid down in the Evidence Act.

15. I may also state here that before proceeding with the enquiry in the instant case, the Tribunal need not follow the procedure to which Shri Nigam has referred. All that the Tribunal has to see is whether the charge sheet is in order i.e. it is not vague or ambiguous. However, if the Tribunal finds the charge sheet as vague or ambiguous, then it is the bounded duty of the Tribunal to reframe the charge sheet on the basis of the material placed on record and then to proceed with the inquiry. In the present case, on going through the charge sheet I find that it is neither vague nor ambiguous. Every charge contains all the

essential details. During the conduct of inquiry the tribunal has to further see that the principles of natural justice are observed and the Union/workman is afforded full opportunity to defend.

16. In his finding dated 1-5-85 on the preliminary issue, my learned predecessor Shri R. B. Srivastava, observed :—

To my mind simply saying that he was neglected in accommodating the parties as not admission of charges levelled against him.

My learned predecessor, therefore, held that the inquiry was vitiated and the findings given by the Enquiry Officer were perverse. He therefore, ordered the management to prove their entire case afresh. Feeling aggrieved by the finding and the direction given to the management to prove their entire case afresh, the Union moved an application on 21-6-85 for review of the order dt. 1-5-85 in so far as it allowed the management to lead evidence before the Tribunal to prove the charges besides other points. The review application on the point referred to by me was disallowed by my learned predecessor vide order dated 18-2-86. So all the objections raised by Shri Nigam become meaningless.

17. Before I deal with the evidence on the various charges I would like to refer to facts about which there is almost no dispute between the parties and facts which need not to be investigated by the Tribunal for one reason or the other.

18. There is no dispute between the parties on the point that during the relevant period MW.1 Shri J. N. Shukla and UW.1 Shri J. N. Kapoor were working in Aminabad Park Branch of the Allahabad Bank, Lucknow (hereinafter referred to as A. P. Branch) as clerks. In para 2 of his statement in cross examination, the workman has deposed that he remained posted in AP Branch of Allahabad Bank from 1-8-51 till the date of his suspension. On the other hand, in para (1) of his affidavit Shri Shukla has deposed that he remained posted in the said branch from 1965 to 1976 and in para 12 of his statement in cross examination he has deposed that his seat was next to the seat of the workman. This fact goes un rebutted.

19. It further appears from their evidence that whereas the duty of the workman during the relevant period was on Current Ledger No. 3, the duty of Shri Shukla (MW.1) was on some other seat. Another fact deposed to by the workman in his cross examination at page 54 is that during 1970 and 1971, no relation of his wife Smt. Raj Rani was posted in A. P. Branch of the Allahabad Bank.

20. There is also no dispute about the fact that there was a firm in the name and Style of M/s. Rakesh Radios at Naka Hindola, Lucknow. The said firm had Current Account both in UCO Bank, Naka Hindola, Lucknow and A. P. Branch, Allahabad Bank, Lucknow during the relevant period. In his cross examination at page 35, the workman has stated that the Current Account of the Firm was previously at Hazarat Ganj Branch from where it was got transferred to A. P. Branch of the Allahabad Bank. On transfer this account was received in the A. P. Branch of Allahabad Bank on 1-5-68. The said account

remained in operation during 1969, 1970, 1971 and 1972. It is not disputed that Smt. Rajrani is the wife of the workman. According to the workman the said firm was owned by his wife. However, the management have led evidence vide para (2) of the affidavit of MW.1 Shri J. N. Shukla, that the workman was running the said firm under the proprietorship of his wife, meaning thereby that the said firm was actually owned by the workman. However, in view of the facts noted in charge No. 4 no reliance can be placed on this evidence of the management. In the said charge she has been described as the proprietress of the firm M/s. Rakesh Radios. Hence, the management's evidence in this regard caused not be looked into. In connection with it, it will be pertinent to refer to some other statements of the workman and UW. 3, Shri N. M. Saxena, Advocate. At page 34 in his cross examination, the workman has deposed that his late father Shri Dhummi Singh who died on 1-1-85 introduced his wife to the bank when current account of the firm was opened by his wife in the Allahabad Bank. Shri N. M. Saxena, Advocate (UW. 3) in para 10 of his statement in cross examination has deposed that this firm was wound up long back. He also says that since 1987, he has been conducting Income Tax Cases of the Firm—M/s. JAY & SONS ENTERPRISES owned by Shri Rakesh Kapoor who is the son of the workman. Although Shri Saxena has been frank enough to say that firm M/s. Rakesh Radios was wound up long back, the workman rather felt hesitation on this point. In his cross examination at page 15 he has said that it could be that current account of the firm M/s. Rakesh Radios in A. P. Branch of the Allahabad Bank had continued till December, 1977. It, therefore, appears that in all probability the firm M/s. Rakesh Radios might have been wound up in 1977 or in the beginning of 1978.

19. In his cross examination at page 36, the workman has stated that he too had an account in A. P. Branch of the Bank. Evidence on the nature of account has, however, not come on record.

20. Another personality which figured in this case is Shri Udai Pratap Singh Srivastava (hereinafter referred to as UPSS for the sake of brevity). UW 3, Shri N. M. Saxena, Advocate in his cross examination has deposed that Shri UPSS was a lawyer dealing with Sale Tax & Income Tax matters. Prior to his becoming a lawyer, he was employed in the Sales Tax Department Shri UPSS died on 31-12-87. Through evidence, the management have tried to show that he (UPSS) was a dismissed employee of Sales Tax Department. Whether or not he was a dismissed employee is not the point for consideration in this case.

21. UPSS had a current account in A. P. Branch of Allahabad Bank and this account was in operation during the relevant period. To a court question, the workman at page 34 has deposed that UPSS opened his current account in the said branch of the Allahabad Bank on 29-10-68. At page 46 in his cross examination he admits that at the time of opening of account UPSS was introduced by him.

22. UW.3, Shri N. M. Saxena, Advocate in his statement in cross examination has deposed that UPSS was the Counsel of the Firm M/s. Rakesh Radios, in respect of Sales Tax Matters. This fact though admitted by Shri Saxena, the workman feign-

ed ignorance despite the fact that at page 36/37 in his cross examination he has stated that UPSS used to visit his house. This is really very strange on the part of the workman.

23. In para 11 of his statement in cross examination. UW.3 Shri N. M. Saxena, Advocate, tells how there has been a practice of the Sales Tax Lawyers, to deposit tax on behalf of their clients. According to him the practice is to collect the amount of Fees, Taxes, Registration Fee and other payment and then to deposit the amount of tax by issuing their own cheques. It follows, therefore, that UPSS was also adopting the same practice. This will be evident from the statement made by the workman in para 29 of his affidavit, the relevant portion of which reads as under :—

If the ledger sheet of Shri UPS Srivastava is verified, it would be evident that a large number of cheques were paid in favour of Sales Tax in his accounts since he was a Sales Tax Lawyer and use to issue cheques on behalf of number of his clients.

We have seen above that it has come in the evidence of Shri Saxena that Shri UPSS was doing Sales Tax Cases of M/s. Rakesh Radios. If it were so UPSS must also be similarly depositing tax for M/s. Rakesh Radios by issuing cheques in favour of Sales Tax Department from his Account.

24. In this case the management have led evidence that the workman used to receive cheque books issued to Sri UPSS, keep the same with him and was issuing cheques from these cheque books himself forging the signatures of UPSS. Since there is no such charge against the workman, the Tribunal could not enter into this controversy.

25. Lastly, I refer to the practice which is prevalent in the Banking Industry with regard to cheques sent in clearance by bank to the clearing house. The procedure in this regard has been explained by MW. 1 Shri J. N. Shukla in para 6 of his affidavit and by MW. 3 Shri R. P. Mishra in para 6 of his statement in his cross examination. According to Shri Shukla, the procedure is that the cheque received in the branch for payment through clearing house is posted by the concerned ledger keeper in the respective account. If the balance in the respective account is insufficient, the cheque is immediately returned the same working day to the Collecting Bank as unpaid with objection memo. If, however, the relevant cheque is not returned unpaid, with objection memo the same working day, the collecting bank credits the amount of the cheque to the payee's account at other end treating the cheque as having been passed for payment by the paying bank.

26. In para 6 of his statement Shri R. P. Mishra has deposed that when an account holder deposits a cheque drawn on another bank locally, the cheque is entered first in the clearing register and after preparing the summary, the cheque is sent through clearing house on drawee bank for its clearance of the payment. On the date of presentation a voucher is credited provisionally to the account of

the account holder and after seeing its return on the next date, if the cheque has not returned, it is treated as paid by the collecting bank, i.e. it is presumed that the cheque has been cleared by the drawee bank. This procedure has not been challenged by the workman in his affidavit nor by Shri O. P. Nigam during the course of his arguments.

Charge Nos. 1 and 2

27. These two charges being interconnected are taken together.

By means of facts deposed to by him in para 8 of his affidavit MW. 1 Shri J. N. Shukla has corroborated the management's case on these two charges. Two main facts which come out of the facts deposed to by him in the said para of his affidavit are that cheques for Rs. 20/-, Rs. 2/-, Rs. 36/- and Rs. 44/- total Rs. 102/-, were received through clearance for payment to Sales Tax Office, Lucknow for M/s Rakesh Radios and that digit (1) was added and subsequently altered to digit (3) before the figure of Rs. 69/-, in the credit balance in the account of UPSS on 24-6-71 by the workman with the mala fide intention to facilitate payments of the above cheques, and cheque for Rs. 200/- received on 24-6-71.

28. Shri O. P. Nigam, the authorised representative for the Union has given his own version with regard to it in the following words at page 8 of his written arguments—

The balance of Rs. 369.47 how it has been corrected on 23-6-71 which might have been done while correcting some previous mistake in the account as it was not a new thing in routine. It cannot be said that this over writing was done to accommodate the party for the encashment of his cheques of small amounts by Shri Kappor. This balance must be at the time of morning checking and if there was any fraudulent overwriting etc., it should have been pointed out by the checker the very next morning, hence it should be treated as correct.

29. The point raised has been met by Shri Shukla, vide facts stated by him in para 4 of his affidavit. He has deposed in the said para of his affidavit that the accounts books of A.P. Branch of Allahabad Bank had not been tallied for the last several years. This finds corroboration from the statements made by the workman in his cross examination at page 8 where he has stated that against the entry of 'by balance' which words he admitted to be in his hand in the date 23-6-81, checkers signatures do not appear. He has given a flimsy explanation that checkers do not put their signatures in token of checking. Here it is important to note that facts deposed to by Shri Shukla, in para 8 of his statement in his affidavit have not been specifically controverted by the workman who filed his affidavit long after the close of management's evidence.

30. Now let us see what the workman has stated in his cross examination about this evidence of the management. Document E/7 to the affidavit of Shri

Shukla consists of photostat copies of current account of UPSS. Entries from 14-6-71 to 29-6-71 appears at page 671 of the ledger. The workman in his cross examination at page 2 admits that the entries from 14-6-71 to 16-6-71 and 18-6-71 to 30-6-71 are in his hand. We, for the purposes of these two charges, are concerned only with the entries dated 23-6-1971 to 24-6-1971.

31. On 23-6-71, the credit balance is shown as Rs. 69.47 paise. In the next line of the above entry there appears the entry 'by balance' Rs. 369.47. In his cross examination at page 9, the workman says that in this entry of Rs. 369.47 digit (3) has been made by over writing possibly, initially the figure was (1) which was subsequently converted to figure (3) by overwriting.

32. On 24-6-71, entries regarding five cheques of the total amount of Rs 302 appear. On 29-6-71, there appears a credit entry of Rs. 300. Thus it becomes evident that the above five cheques could not have been cleared had the credit balance on 23-6-71 been Rs. 69.47 paise.

33. The question is how credit balance was put at Rs. 369.47 paise on 23-6-71. Was there any mistake in any previous entry? In this regard the workman in his cross examination at page 33 says that whenever any mistake previously committed is detected, the mistake is corrected by making entry 'by balance'. On that the workman was asked to look into the whole account of UPSS and tell where did he notice the mistake. As stated earlier, he has admitted even at page 33 in his cross examination that the words 'by balance' are in his hand. To the query so made he expressed his inability to tell about the mistake. He was then referred to several such entries where reference was made to the date of entry where mistake had occurred while making entry 'by balance'. He admitted that in the entry dated 30-9-70 of the Account of UPSS reference is made with regard to error of 24-3-71. He also admitted that in the entry dated 24-3-71, of M/s New Punjab Cycle and Motor Company, it is written while making entry by balance error of 21-9-70 and similarly in this very account in the entry dated 15-6-71 reference is made to error of 26-5-71. He was then shown the entries dated 18-8-71, 27-7-71 and 9-7-71 of Prem Medical Hall. He admitted that against these entries reference was made to errors of 30-7-71, 26-7-71 and 19-4-71 respectively. Lastly, he was shown the account of M/s Premier Stationary House. He admitted that in the entry dated 11-11-71 there is a reference of error of 28-10-70. I may state here that at one or two places such a description was not found given. Therefore, the conclusion which could be drawn is that generally there is a practice of making specific reference of the entry where the mistake had occurred. It is necessary for otherwise it would not be possible to connect how the entry of 'by balance' came to be made. On 10-8-90, Shri O. P. Nigam, authorised representative for the Union filed an application citing instances where while striking credit balance 'by balance' no mention was made of the fact where the mistakes had taken place, but this, in my opinion is not sufficient to absolve the workman of his

responsibility to point out the mistake detected by him while striking credit balance in the date 23-6-71 in the account of UPSS, [The whole of the ledger pertaining to the account of UPSS was before him and it was for him to explain to the Tribunal as to where he had detected the mistake. If he could find out such instances as have been given in the application dated 10-8-90, the same exercise could have been done by him or the Union representative with regard to the account of Shri UPSS to explain the above fact. We have seen above that the workman has admitted that entries from 18-6-71 to 30-6-71 are in his hand so he was questioned about the insertion of digit (1) and its subsequent conversion to digit (3). He was asked whether he made any report about it to the manager. He replied while admitting the fact that these alterations do not bear initials that he never felt anything like it. In his cross examination at page 8, he has admitted that in the entry Rs. 369.47 paise, digit (69) are in his hand but not the digit (3). As already stated, he has admitted that words 'by balance' are in his hand. It was, therefore, inquired from him whether on 24-6-71, while making entries of 5 cheques did he notice how the balance of Rs. 69.47 paise shown by him all of a sudden became Rs. 369.47 paise. In reply to the said question he said that he did not feel it necessary to know about it. The reply cannot be said as satisfactory. He was working on ledger No. 3 of UPSS. Therefore, it cannot be imagined that he would not have been able to notice the change in total. In para 6 of his statement in cross examination he has said in reply to a specific question that on 23-6-71, the closing balance was Rs. 69.47 and not Rs. 369.47 paise and that on 24-6-71 the opening balance was Rs. 69.47 paise and not Rs. 369.47 paise.

34. The above statements in the light of the facts and circumstances stated above clinches the whole issue. If the closing balance in the account of UPSS on 23-6-71 and opening balance on 24-6-71 was actually Rs. 69.47 paise and not Rs. 369.47 paise, then what made him right 'by balance' in the entry dated 23-6-71. Did he detect any mistake anywhere in the previous entries? The simple answer is no. So the only and only one conclusion which can be drawn is that in order to facilitate the clearance of first four cheques the total amount of which was Rs. 102 he added the digit (1) before the figure 69 in the rupee column and subsequently on receipt of an other cheque of Rs. 200 the same day (24-6-71) he altered the digit (1) to digit (3). Through these cheques UPSS had deposited taxes in the Sales Tax Department for M/s. Rakesh Racios of which he was a Lawyer. The firm being owned by his wife he would have been naturally interested in the clearance of these cheques. We have seen above that except the workman no other near relative of his wife Smt. Raj Rani was posted in AP Branch of Allahabad Bank. Further in order to undo what he had surreptitiously done he deposited Rs. 300/- in the account of UPSS as alleged.

35. Shri Nigam has placed reliance on the report of U.W. 2 Shri C. K. Jauhari hand writing expert, who has given the opinion that digit (3) in the amount written as Rs. 369.47 differ with digit (3) in the admitted writing of workman and for that he has given his reasons in his report. In his report at page 4 he writes that on a visual examination we find that

deeper density of ink has been used for writing of digit (1), and digit (3). He also writes that the line quality of the over written digit (3) clearly shows that it has been written in a conscious manner in a slow speed. He is right. His reasoning shows that all this has been done subsequently. There being no person other than the workman interested in the clearance of the cheques and there being no person other than the workman working on ledger No. 3 at that time it would mean that all this was done by workman I may also state here that comparison was possible only if there had been no conversion of digit (1) to digit (3). Where there is a conversion of the digit as in the present case, the two digits of the same kind will certainly differ because in such an event the attempt would be to disguise the original digit as far as possible. The report of the hand writing expert therefore, to my mind, is of no consequence nor in any way benefit the workman. Accordingly I hold charges No. 1 and 2 is fully proved and established against the workman.

Charge No. 3 :

36. MW 1 Shri J. N. Shukla, corroborates the case of the management on this charge by means of facts deposed to by him in para 9 of his affidavit. With his affidavit, as stated under charges 1 and 2, he has filed document E-7 which consists of photostat copies of current account of UPSS. For us, for the purposes of this charge, entries appearing on page nos 71 and 651 of the ledger are relevant. At page no. 671, of the ledger, entries of the period 14-6-71 to 29-6-71 appear and at page no. 651 of the ledger entries of the period 30-6-71 to 31-8-71 appear.

37. In his cross examination at page 2, the workman has admitted that entries of the period 14-6-71 to 16-6-71 and 18-6-71 to 30-6-71 and at page 6 has admitted that entries of the period 20-7-71 to 22-7-71 and 27-7-71 to 21-8-71 are in his hand. For the purpose of this charge the relevant entries are of the period 29-6-71 to 4-8-71. During this period entries appear in the ledger on the following dates :—

29-6-71	22-7-71	30-7-71
30-6-71	26-7-71	31-7-71
7-7-71	27-7-71	and
20-7-71	29-7-71	4-8-71

It is also the case of the management that the entry in the date 26-7-71 appear in green ink in the hand writing of another clerk. So the denial by the workman is with regard to entry dated 7-7-71.

38. The ledger entry shows that on 29-6-71 the credit balance in the current account of UPSS was Rs. 63.47 paise. In the next line there appears an entry of Rs. 3000 in the credit column by balance putting the amount of credit balance at Rs. 3063.47 paise.

39. At page 651 of the ledger the first entry is dated 30-6-71 and it is in respect of the balance brought forward from page Nos. 671. In the credit column there first appears the entry of Rs. 3063.47 paise and below it there appears an entry of Rs. 363.47 paise.

In the balance column there first appears the entry of Rs. 3063.47 paise and below it appears the entry of Rs. 3363.47 paise. At present entry of Rs. 3000 made as by balance on 29-6-71, and brought forward entries of Rs. 3063.47 paise and Rs. 363.47 paise stand scored out with horizontal lines drawn on them and their correct balance of Rs. 63.47 paise shown against the entries dated 29-6-71 and 30-6-71.

40. On 31-7-71, a sum of Rs. 5485.12 paise is shown as standing to the credit of UPSS. After this entry there appears the entry dated 4-8-71 with the opening credit balance as Rs. 5785.12 paise. In the same date after this entry there appears the debit entry of Rs. 3000 by cheque (self).

41. The management's case is that in order to facilitate payments of the said cheque of Rs. 3000 the workman made a fictitious entry of by balance of Rs. 3000 as on 14-6-71 on 4-8-71 in the date 29-6-71 in the old register when the balance had already been carried over to new ledger in that half year and on its basis the workman altered the subsequent entries.

42. Admittedly entries of 29-6-71 and 30-6-71 appear in the hands of the workman. In para 3 of his statement in cross examination, he has said that it appears as if entry of Rs. 3000 as on 14-6-71 was made by him while tallying balance sheet. He has denied the suggestion that by June 1971, the balance sheet had not been prepared. He has also denied the suggestion that since 1969 there had been no balancing of books. But in para 12 of his statement in cross examination he has been quite specific. He has said that in the entry dt. 29-6-71, below the entry showing credit balance of Rs. 63.47 paise, there is an entry of Rs. 3000 with the remark as on 14th June in his hand. He has also first said that he did not remember when he made this entry of Rs. 3000 but after seeing the ledger he said that perhaps it was made by him at any time before 7-7-71. He has admitted that on 30th June every year there is half yearly closing and on that day no public transaction is done. At page 5, in his cross examination he has said that according to him the correct position is that on 29-6-71, a sum of Rs. 3063.47 paise stood to the credit of UPSS.

43. His testimony on examination of facts and circumstances, appear to be totally unreliable, unconvincing and not worthy of credence at all. He has failed to point out the mistake in the old entries which led him to make by balance entry of Rs. 3000 on 29-6-71.

44. The ledger's page 651 shows the amounts which stood to the credit of UPSS on the following date —

7-7-71	—	Rs. 3300.97
20-7-71	—	Rs. 3160.97
22-7-71	—	Rs. 3208.47
26-7-71	—	Rs. 908.47

Entry dated 26-7-71 is admittedly in green ink in the hand writing of another clerk. Entry dt. 26-7-71 shows that on that date Rs. 700 was deposited in cash. Had the credit balance in the account of Shri UPSS on 22-7-71 had been Rs. 3208.47 paise, the other clerk would have shown the credit balance on 26-7-71 as Rs. 3908.47 paise after taking into account the

deposit of Rs. 700. It follows that entry of Rs. 3000 as on 14-6-71 shown as made on 29-6-71, had not been made till 26-7-71. It was made afterwards.

45. There is still no other catch to prove the charge against the workman. It will be found from the entry or brought forward on 30-6-71 appearing at page 651.

46. On 31-7-71, the opening credit balance appears as Rs. 5485.12 paise. On that day Rs. 300 were deposited by cash taking the credit balance to Rs. 5785.12 paise. Now if Rs. 3000 added on 29-6-71, by making an entry of by balance are taken out, then the total would come down to Rs. 2785.12 paise. If to it Rs. 300 are added the credit balance would become Rs. 3085.12 paise. This total would have been sufficient clearly the cheque for Rs. 3000 and it seems why the workman in the first instance converted the amount of Rs. 63.47 paise brought forward at page 651 on 30-6-71 to Rs. 363.47 paise by putting the digit (3) before digit (6) in the column of rupees. I may state here that the entry of Rs. 63.47 appear at proper place in the column whereas the entry of Rs. 3063.47 paise appear above it cutting the double head line. However, it appears that later on, on second thought, perhaps on coming to know that several more cheques in favour of Sales Tax Department for deposit of tax, as will be evident from the entries appearing subsequent to 4-8-71, were to come he changed his mind and thought it better to show the addition of Rs. 3000. The workman in para 11 of his statement in cross examination has admitted that the carry over entry of Rs. 3063.47 paise and Rs. 363.47 paise which appears below it are in his hand. According to him he cannot tell under what circumstances he made the entry of Rs. 363.47 paise.

47. On this charge Shri Nigam has placed reliance on the evidence of U.W. 2 Shri C. K. Jauhari, hand writing expert. He has given opinion that digits (3) and (5) which represent the thousand figure in Rs. 3385.12 paise and Rs. 5485.12 paise against entry dated 30-7-71 differ from the writer of admitted digits. He has given several reasons for it, some of which are—

- (1) A visual examination of the disputed digits reveal that they have been written with a deeper density of ink, and
- (2) They have been written in a conscious manner in a slow speed.

It means that even according to the Hand Writing Expert examined by the Union, these disputed digits were subsequently written and not simultaneously with the remaining digits of this figure. But he has not spoken the whole truth. Truth will come out from the opinion given by the Hand Writing Expert examined by the management and his enlarged photographs.

48. In Part III Shri Kashyap, the Hand Writing Expert, has dealt with these two digits. With regard to disputed digit (3) he writes that there is a over-writing over a previous digit which appears partially erased and with regard to disputed digit (5) he writes the same thing. According to him as a result of these erasures the printed portions of the horizontal line

are considerably obliterated. Digit (5) has been written over digit (2) which is clearly legible and its uncovered portion can be observed.

49. The report of the Hand Writing Expert of the management appears to me to be more convincing and reliable. The Hand Writing Expert of the Union has very cleverly abstained from giving large enlargement of these two disputed digits. Further an enlarged photograph filed by him with his report are quite faint. I may state here that if one makes an attempt he will find it easier to convert digit (2) into digit (5) than to convert it into digit (3).

50. Thus from the above discussion of evidence at length and circumstances, it stands proved that the workman committed gross misconduct referred to in charge No. 3. Hence charge No. 3 stands proved to the guilt.

Charge No. 4 :

51. On this charge management have also led evidence to show that it was not an isolated act on the part of the workman; rather he was in the habit of committing such acts for the purposes of providing finances to the firm M/s. Rakesh Radios owned by his wife Smt. Raj Rani without contracting loans from any where.

52. MW. 1 Shri J. N. Shukla has corroborated the case of the management by means of facts deposed to by him in paras 5 and 7 of his affidavit. He has given a number of the cheque of Rs. 4000 as 417483. I may state here that cheque number has not been given in the charge. According to him this cheque was drawn by UPSS in favour of M/s. Rakesh Radios. It was presented for clearance by UCO Bank Naka Hindola on 27-5-1971. On 27-5-71, the amount which stood to the credit of UPSS in the current account at A. P. Branch of Allahabad Bank was Rs. 195.19 paise as will be evident from copy of account appearing at page No. 670, document E/7 of his affidavit. This cheque was never returned to UCO Bank.

53. Document E/9 is the photostat copy of cheque issuing register, showing issue of cheque book containing cheques No. 417401 to 417500 to UPSS. In his cross examination, the workman has admitted that the entry regarding issue of the cheque book to UPSS in the Cheque issuing register is in his hand.

54. Document No. E/8, filed by Shri Shukla with his affidavit is the copy of letter dt. 28-3-1987, from the Manager, UCO Bank Naka Hindola, to the Manager A.P. Branch of the Allahabad Bank. The document has been proved by Shri Shukla. In this letter the Manager, UCO Bank Naka Hindola had written about two cheques one of which is cheque in question. He writes that this cheque alongwith the other cheque was presented by UCO Bank Naka Hindola in clearing on 27-5-1971. He also writes that the proceeds of the above cheques for Rs. 4000 were credited to the account of M/s. Rakesh Radios since the same was not returned to us unpaid.

55. There is no specific rebuttal of the above facts by the workman in his affidavit. The above evidence which has been led by the management, therefore,

proves beyond doubt that the said cheque drawn by UPSS in favour of M/s. Rakesh Radios was deposited by the said firm with the UCO Bank Naka Hindola which sent it for clearance and on account of non return of cheque the said amount of Rs. 4000 for which the cheque was issued was credited to the account of the firm.

56. I may state here that in this case, the management was permitted to lead this type of evidence to prove the modus operandi of the workman. In this connection I would first like to refer to 4 documents E/15, E/16, E/17 and E/18 filed by Shri Shukla with his affidavit and proved by him by means of his affidavit. They are photostat copies of the original letters. Their photostat copies were also earlier filed by the management with the list of documents dated 6-11-1987. Letters copies of which are E/17 and E/18 have also been proved by MW. 3, Shri R. P. Misra, who has been the Manager, UCO Bank, Naka Hindola since September, 1983.

57. Document E/15 is the copy of letter dt. 20-4-87 from the Regional Manager Allahabad Bank, Lucknow to the Manager UCO Bank Naka Hindola. In this letter the Regional Manager referred to 12 cheques giving the date of their representation, the amount for which they were issued and the bank which presented them for clearance. From the details given it appears that they were all presented for clearance by UCO Bank Naka Hindola.

58. The Regional Manager stated that the investigation at his end revealed that these cheques were missing from the record of the bank. Further these cheques were not posted in the respective ledgers. There was no information at his end about the receipt of debits note from UCO Bank Naka Hindola. He, therefore, inquired from the Manager UCO Bank Naka Hindola whether these cheques were returned to UCO Bank Naka Hindola unpaid or their payments were credited to the Account of M/s. Rakesh Radios.

59. Document E/16 is the copy of letter dated 21-5-87 from the Regional Manager, Allahabad Bank Lucknow to the Manager UCO Bank Naka Hindola, Lucknow on the same subject.

60. Document E/17 is the copy of letter dt. 27-4-87 from the Manager, UCO Bank, Naka Hindola, Lucknow, to the Regional Manager, Allahabad Bank Lucknow. By means of this letter the manager UCO Bank Naka Hindola, Lucknow informed the Regional Manager, Allahabad Bank Lucknow, that Rs. 43000 representing the aggregate amount of 12 cheques had been credited to the Account of M/s. Rakesh Radios since they were not returned unpaid.

61. Document E/18 to the affidavit of Shri Shukla, MW. 1 is the copy of letter dt. 25-5-87 from Shri U. N. Misra Acting Manager UCO Bank, Naka Hindola, to Regional Manager, Allahabad Bank, Lucknow. The same information as given in the earlier letter was conveyed to the Regional Manager, Allahabad Bank, Lucknow, by the Manager, UCO Bank, Naka Hindola. In this letter however, cheque Nos. were given.

62. From the above four letters the following details regarding cheques come out—

Date of Presentation	Cheque No.	Amount	Drawee Bank
1	2	3	4
2-4-70	399403	Rs. 3000/-	Alld. Bank
2-5-70	399416	Rs. 3000/-	"
29-5-70	109722	Rs. 4000/-	"
9-7-70	399404	Rs. 3000/-	"
12-8-70	367893	Rs. 4000/-	"
1-10-70	287020	Rs. 4000/-	"
23-10-70	240277	Rs. 4000/-	"
19-11-70	240279	Rs. 4000/-	"
13-3-71	235811	Rs. 3000/-	"
4-5-71	417474	Rs. 4000/-	"
1-8-70	237953	Rs. 3000/-	"

63. MW 3 Shri R. P. Mishra, Manager UCO Bank, Naka Hindola, Lucknow, has deposed that all these cheques were presented by M/s. Rakesh Radios for credit to their account at UCO Bank Naka Hindola. These cheques were never returned. So the amounts of these cheques were credited to the A/c of M/s. Rakesh Radios. On 25-5-89, the date on which he was examined, he filed photostat copies of vouchers in respect of cheques under orders of the Tribunal. These vouchers are in respect of the cheques other than the cheque No. 240279 mentioned in letter dated 25-5-1987 copy E/18.

64. Cheque No. 109722 for Rs. 4000

In para 13 of his affidavit MW. 1 Shri J. N. Shukla, has deposed that one Smt. Manno Devi, had a current account at AP Branch of the Allahabad Bank Lucknow. This account was closed on 27-5-70. Smt. Manno Devi returned the unused cheques to the workman who was Ledger Keeper. It appears that while making entry of this unused cheques, the workman fraudulently removed cheque No. 109722. Thereafter, the said cheque purported to have been drawn in favour of M/s. Rakesh Radios for Rs. 4000 was got presented for payments in clearing on 29-5-70 through UCO Bank Naka Hindola Lucknow. The workman, it appears, fraudulently removed said cheque lest it might be returned unpaid. The result was that UCO Bank Naka Hindola credited the amount of the said cheque to the account of M/s. Rakesh Radios.

65. With his affidavit Shri Shukla, has filed the copy of account of Smt. Manno Devi. It is document No. E/19. It shows that her account stood closed on 27-5-70. He has also filed the copy of relevant extract from the cheque issuing register bearing the heading cheques received back. It is document No. E/20. From it it appears that on 27-5-70 will returned unused cheques numbers 109723 to 109725. In his cross examination at page 12 the workman has admitted that entry regarding return of cheques is in his hand

66. Thus from the above evidence it appears that the workman intentionally made no entry himself of unused cheque No. 109722 for the purposes of its fraudulent use by him. This evidence further shows that even when the account had stood closed the workman was able to get Rs. 4000/- credited to the account of M/s. Rakesh Radios in UCO Bank Naka Hindola Lucknow.

66. Cheque No. 235811 for Rs. 3000/-

MW 1, Shri J. N. Shukla, has deposed in para 14 of his affidavit that one Shri Vinai Kumar Agrawal had a current account in A. P. Branch of Allahabad Bank. A cheque book containing cheque Nos. 235811 to 235825 was issued to him. Out of these cheques the workman fraudulently used cheque No. 235811 purporting to have been issued for Rs. 3000/- in favour of M/s. Rakesh Radios. It was presented for payment in clearing on 13-3-1971, through UCO Bank Naka Hindola Lucknow. At the time of presentation of the cheque the credit balance in drawers account was Rs. 191/- only. The said cheque was similarly removed by the workman resulting in the credit of Rs. 3000/- in the account of M/s. Rakesh Radios in UCO Bank Naka Hindola.

67. With his affidavit he has filed the copy of cheque issue register and the copy of ledger account of Shri Vinay Kumar Agrawal. They are E/21 and E/22. Document No. E/21 shows that a cheque book containing cheque Nos. 235801 to 235825 was issued to Shri Agrawal. Even the workman has admitted in his cross examination that the cheque book was issued to Shri Agrawal on 16-4-1970. He has further admitted that his account stood closed on 10-10-1970. The copy of ledger corroborates the facts deposed to by Shri Shukla, MW. 1, that at the time of closing of account a sum of Rs. 191/- stood to the credit of Shri Agrawal. Since this cheque too was not returned the workman cleverly got the amount of the cheque on account of its non return credited to the account of M/s. Rakesh Radios.

Cheque No. 240277 for Rs. 4000/- and cheque No. 240279 for Rs. 4000/-.

68. In para 16 of his affidavit Shri Shukla, (MW-I), has deposed that cheque book containing cheques No. 240276 to 240300 was issued to M/s. Rakesh Radios by A. P. Branch of Allahabad Bank. It was revealed that the two cheques in question for Rs. 4000/- each were issued in favour of M/s. Rakesh Radios. These two cheques were presented in clearing on 23-10-1970 and 19-11-1970 respectively by UCO Bank Naka Hindola but on both these dates there was not sufficient balance in the account of M/s. Rakesh Radios at A. P. Branch of the Allahabad Bank. With mala fide intention and to facilitate the payments of the said two cheques to his wife the workman fraudulently removed the said cheques lest they might to be returned unpaid. In this way the amounts of these two cheques stood credited to the Account of M/s. Rakesh Radios in UCO Bank Naka Hindola, Lucknow. The witness has filed with his affidavit the copy of cheque issue register E/9 and copy of ledger E/23 with respect to the current account of M/s. Rakesh Radios of AP Branch of the Allahabad Bank. The copy of cheque issue register shows that M/s. Rakesh Radios was issued

a cheque book containing cheques No. 240276 to 240300. In his cross examination at page 30, the workman has admitted that entry regarding issue of these cheque book to M/s. Rakesh Radios is in his hand. It is dated 10-8-1970 and it was he who himself received the cheque book on behalf of M/s. Rakesh Radios a Copy of ledger shows the following credit balance on dates given below :—

17-10-1970—Rs. 385.36

27-10-1970—Rs. 585.36

2-11-1970—Rs. 141.14

22-12-1970—Rs. 282.56

These two cheques find mentioned in the letter dated 25-5-1987, copy E/18. We have seen above that these two cheques were never returned unpaid and as a result of it the amounts of these cheques were credited in the account of M/s. Rakesh Radios by UCO Bank.

69. Thus I need not refer to other cheques about which evidence has been given to show the Modus operandi of the workman in collecting money for the purpose of running the business of M/s Rakesh Radios.

70. In view of the above evidence I feel no hesitation in holding that even charge no. 4 stands fully proved against the workman Shri J. N. Kapoor.

71. In this case, I must observe, if the management have been able to prove the charges against the workman it is only because of the very hard labour put in by Shri M. K. Verma, Advocate, the authorised representative for the management, and the management's Star Witness M. W. 1, Shri J. N. Shukla. On his part Shri Verma has put life in the management's case by putting up the case very nicely before the Tribunal and by doing very effective cross examination of the workman bringing out facts in support of the management's case through the mouth of the workman. Similarly Shri Shukla, seems to have done a lot of spade work in collecting evidence in support of the charges.

72. We have seen that the management have been able to prove all the four charges against the workman. The evidence which the management have led in support of these charges, if it had been adduced before the Criminal Court even, it would have been sufficient for workman's conviction for offences of forgery, cheating and criminal misappropriation of money. Acts of misconduct proved against the workman fully falls within the Expression 'GROSS MISCONDUCT' as referred to in para 19.5(j) of THE BIPARTITE SETTLEMENT.

73. For the gross misconduct committed by him he was awarded the punishment of dismissal from service by the management. Shri Nigam, the auth. representative for the workman/Union, submits that it is not an order of punishment. It is a mere communication. I do not agree with him. The workman has himself treated it as an order of punishment while filing his appeal before the appellate authority of the Allahabad Bank at Calcutta. Document No. W/14 to the claim statement filed by the Union is the copy of the said appeal. Then even the reference order speaks
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about the order of punishment. So the contention of Shri Nigam in this regard is not upheld.

74. Now two questions arise for consideration—First is whether the order of punishment calls for interference at the hands of the Tribunal in exercise of its powers U/s 11 of the Industrial Disputes Act, 1947, and the second is from what date, in view of the finding on the preliminary issue given by my learned predecessor the order of punishment should be given effect to.

75. On the first point looking to the gravity of charges, conduct of workman in collecting finances in a dubious way for running the business of M/s Rakesh Radios, proprietress of which was his wife Smt. Raj Rani, misuse of his position as an employee of the Bank and clever planning, I am of the view, that the punishment awarded to him does not call for any interference. No extenuating circumstances exist which may make me to take a lenient view. Such an employee cannot be allowed to remain in service even for a moment by any financial institution. He should rather thank his stars that he had escaped conviction and sentence at the hands of Criminal Court. So I feel that he was awarded the just punishment under para 19.6(a) of the BIPARTITE SETTLEMENT.

76. On the second point reference may be had to the ruling in the case of B. C. Roy Versus The Presiding Officer, Madhya Pradesh Industrial Court, Indore and others (1976) 3 SCC 693. It was a case where the labour court found that the inquiry was defective as it infringed the principles of natural justice. However, the Labour Court came to the conclusion after considering the evidence adduced before that the dismissal was justified. It was, therefore, held that the award of the Labour Court must, therefore, relate back to the date when the order of dismissal was passed on the termination of the Domestic Enquiry. Their Lordships while holding it placed reliance on the Law laid down by 5 Judges Bench of the Hon'ble Supreme Court in the case of E. H. Kalyani Vs. Air Franch Calcutta (1964) 2 SCR 104—AIR 1963 SC 1756. So in view of the laid down by the Hon'ble Supreme Court, the order of dismissal from service of the workman which has been upheld by this Tribunal shall relate back i.e. the workman shall stand dismissed from the service of the Allahabad Bank w.e.f. 17-12-76.

77. Before concluding I would like to say a few words for the Union which has espoused the cause of the workman. For an employee like the workman, the Union should have withheld its hands. It should not have listened to him. In fact before taking up the case, the office bearers of the Union should have examined the documents of the bank and seen whether or not he was at fault. As has been found in this case by the Tribunal the office bearers would have surely noticed that the workman was a great fraud and his retention in the Banking Industry was fraught with danger. The Bank's money is after all public money. It cannot be allowed to be swindled away by unscrupulous employees of the bank with no integrity. By espousing his cause the Union has in no way enhanced its image but has lowered its image in the estimation of the public.

78. Hence despite the finding dated 1-5-85, on the preliminary issues, given by my learned predecessor that the inquiry is vitiated workman's dismissal from service by the management w.e.f. 17-12-76 is upheld. But as ordered by the Hon'ble High Court by means of its order dated 17-2-87, passed in writ no. 8161 of 1986, the Allahabad Bank, Hazaratganj, Lucknow Versus The P.O., Central Government Industrial Tribunal, Kanpur and another, the award given by this tribunal shall not be enforceable until an order to that effect is made by the Hon'ble High Court of Allahabad.

The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12011|27|78-D.II(1)]

क. भा. 1276:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ने बी. सी. सी. एल. का रोपवे विभाजन के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

S.O. 1276.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ropeway Division of M/s. BCCL and their workmen, which was received by the Central Government on the 8-4-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.
Reference No. 182 of 1989

PARTIES :

Employers in relation to the management of Ropeway Division of M/s. BCCL, Koyla Bhawan, P.O. Koyla Nagar, Dhanbad.

AND

Their workmen.

PARTIES :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 4th April, 1991.

AWARD

The present reference arises out of Order No. L-20012|145|88-I.R. (Coal-I), dated New Delhi, the

24th November, 1989, passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

“Whether the action of the management of Ropeway Division, M/s. BCCL, Koyla Bhawan P.O. Koyla Nagar, Distt. Dhanbad in denying the promotion of Shri C. Sinha, Accountant from Clerical Special Grade to Technical & Supervisory Grade ‘A’ is justified? If not, to what relief the workman is entitled and from what date?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an Award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the Award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

Sd/-

S. K. MITRA, Presiding Officer.

[No. L-20012|145|88-IR (Coal-I)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

Reference No. 182|89

Employers in relation to the Management of Ropeway Division of M/s. Bharat Coking Coal Ltd.

AND

Their Workman

PETITION OF COMPROMISE.

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

(1) That the concerned workman Sri C. Sinha, Accountant will be given notional promotion in Tech. & Supervisory grade-A from the date his juniors have been promoted vide office order dated 10-4-1987 and his pay in the promoted grade be fixed accordingly from the said date.

(2) That the concerned workman Sri C. Sinha will get the financial benefit of this notional fixation on promotion with effect from the date the dispute has been referred to Industrial Tribunal, Dhanbad i.e. on 24-11-89.

Accordingly he will be paid arrears on account of notional fixation from 24-11-89.

(3) That Sri C. Sinha's seniority will be reckoned from the date his juniors have been promoted i.e. from 1987.

(4) That the concerned workman will have no further claim on account of this promotion.

(5) That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Workmen :

For the Employers.

का.आ. 1277.—औद्योगिक विवाद अधिनियम, 1947 (1947 धारा 17 के अनुसरण में, केन्द्रीय सरकार, में बी.सी.सी. एल. का जालगोरा कोलियारी के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रेषित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

S.O. 1277.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jealgora Colliery of M/s. BCCL and their workmen, which was received by the Central Government on the 8-4-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.
Reference No. 102 of 1989

PARTIES :

Employers in relation to the management of Jealgora Colliery of M/s. B.C.C.L. Ltd., P.O. Jealgora, Distt. Dhanbad.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the employers—Shri G. Prasad, Advocate.

For the Workmen—Shri J. D. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 26th March, 1991.

AWARD

By Order No. L-20012/26/89-I.R. (Coal-I), dated, the 30th August, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this tribunal :

“Whether the action of the management of Jealgora Colliery of M/s. B.C.C. Ltd., P.O. Jealgora, Distt. Dhanbad in dismissing Shri Bihari Prasad, MCL from service w.c.f. 8-7-1987 is justified. If not, to which relief the workman is justified.

2. The case of the management of Jealgora Colliery of M/s. B.C.C. Ltd. as disclosed in the written statement, details apart, is as follows :

M/s. B.C.C. Ltd. purchased about 13 acres of land situated in the vicinity of the colliery by six different deeds of conveyance. One of such sale deeds was executed by one Bishun Mahato son of late Hari Ram Mahato of Village Gourkhunti, P.S. Jorapokhar, Distt. Dhanbad on 30-1-1981 in respect of 1.98 acres of land for valuable consideration. The concerned workman, Bihari Prasad disclosed himself to be the nephew of Shri Bishu Mahato of Village Gourkhunti, P.S. Jorapokhar, Distt. Dhanbad and secured employment as a miner/loader under the Land Looser's Scheme framed by M/s. B.C.C. Ltd. He also declared about his parentage, home address etc. at the time of securing employment. In support of his declaration he produced a certificate from the Mukhiya of Gram Panchayat, Mahulbani, P.S. Jharua, Distt. Dhanbad certifying him to be the nephew of Bishu Mahato of Village Gourkhunti, P.S. Jorapokhar, Distt. Dhanbad. He used that certificate as the genuine document knowing it full well that it was not so. He was appointed on 2-9-83 as miner/loader on the terms and conditions that in case his identity was not found to be genuine or the particulars supplied by him found to be false in future, his services would be liable to be terminated without any notice or assigning any reason thereto. It was found subsequently that he was neither the nephew of Bishu Mahato nor was he a resident of village Gourkhunti, P.S. Jorapokhar, Distt. Dhanbad and the particulars given by him with respect to his parentage home address were false. He gave a false declaration with respect to his parentage, home address and committed theft, fraud or dishonesty in connection with employer's goods or property which is a misconduct under Model Standing Orders applicable to the colliery. He was guilty of cheating under section 419 of the Indian Penal Code. He has deceived M/s. B.C.C. Ltd. which is a 'State' under Art. 12 of the Constitution by misleading the Appointing Authority and dishonestly inducing it to deliver wages/property to it. He secured employment on the misrepresentation that

he was a resident of village Gourkhunti, Distt. Dhanbad although he was not a resident of Village Gourkhunti and is a resident of Dowari of District Hazaribagh. The very purpose of employment under Land Booser's Scheme is to acquire land for development of mine etc. and extract coal which was frustrated by the concerned workman who adopted fraudulent means to secure employment. He was chargesheeted by a Charge Sheet dated 28-2-1986 for (i) giving false information regarding name, father's name, home address at the time of employment and (ii) theft, fraud, dishonesty in connection with Company's business and property. He replied to the chargesheet which was not found satisfactory. A departmental enquiry was conducted in accordance with the principles of natural justice in his presence. He was given full opportunity to defend himself in the departmental enquiry. The Enquiry Officer, after holding the enquiry, submitted his report holding him guilty of the charge of misconduct. The report of the Enquiry Officer was considered at various levels and the concerned workman was dismissed from service after approval of the competent authority. In the circumstances, the management has submitted that its action in dismissing the concerned workman from service is fully justified.

3. The case of the concerned workman, as appearing in the written statement submitted on his behalf by the sponsoring union, Bihar Mines Lal Jhanda Mazdoor Union, beriffy stated, is as follows :

Bihari Parsad, the concerned workman was employed as miner/leader in Jealgora colliery ; he was a permanent workman of the colliery. The management of Jealgora colliery issued a chargesheet dated 26/28-2-1986 under Clause No. 27(17) and 27(2) of the certified Standing Orders applicable to the colliery. It was alleged in the chargesheet that he, before his appointment, had submitted a certificate that he was a nephew of one Dasu Mahato of Bhowra, although he was a nephew of Mewa Sao of Bhowra (S) colliery. He was suspended pending enquiry with effect from the date of issue of the charge-sheet and remained under suspension till his dismissal. He submitted his reply dated 7-3-1986 denying the charges. As the provision of certified Standing Order applicable to the colliery, the workman cannot be suspended for more than ten days pending enquiry and so he submitted an application after ten days of his suspension requesting the management to allow him to resume his duty pending enquiry. But no reply was given nor was he allowed to resume his duty. He remained under suspension for more than a year during which he was not paid any subsistence allowance and as a result he suffered great financial difficulty. The management held enquiry after one year or so and he was forced to participate in the enquiry which was held in haste. He was not afforded any reasonable opportunity to defend himself in the enquiry. The enquiry was held in violation of the principles of natural justice. The charges levelled against him was that he had wrongly described himself as a nephew of Bishu Mahato of Bhowra before his appointment in the Certificate submitted by him. But this charge does not come within the purview of the alleged mis-conduct under Clause 27(2) and 27(17)

of the certified Standing Orders. The alleged misconduct, even if committed, was committed before list appointment when there was no relationship of employer-employee between the management and him. Hence, he committed no misconduct at all. He was appointed by the General Manager of the Area on the basis of existing rules in regard to acquisition of land by the management of M/s. B.C.C. Ltd. and there was no irregularity in regard to his appointment on the basis of some alleged false information. The Agent of the colliery has got no legal authority to dismiss him from service. Hence, the action of the management in dismissing him from service with effect from 8-7-1987 is illegal and unjustified. In the circumstances, he has prayed for re-instatement in service with full back wages.

4. In rejoinder to the written statement of the sponsoring union, the management has asserted that the concerned workman disclosed himself to be a nephew of Bishu Mahato and that by making such fraudulent disclosure he secured his employment. His very initial appointment/employment was illegal since he obtained employment by fraudulent means and so he was no right to hold the post and receive wages. The departmental enquiry was conducted in accordance with the principles of natural justice. The management has asserted that he was appointed by the General Manager of the Area under Land looser's Scheme on terms and conditions stipulated therein. Since his very initial appointment was illegal, he was not entitled to be employed under the said scheme. He induced the employer to believe certain facts and thereby secured his employment by fraudulent means.

5. In rejoinder to the written statement of the management, the sponsoring union has asserted that no declaration of any sought was called for from the concerned workman and as such no such certificate was submitted by him. The appointment letter of the concerned workman will disclose the terms and conditions of his service. He gave correct information regarding parentage, home address etc. which will be evident from the Form 'B' register of the colliery. It has been asserted that Land Looser's Scheme under which employment was given is a matter of record and that the charge against him has not been proved at all.

6. At the instance of the management the propriety and fairness of the domestic enquiry was considered as preliminary issue. During the course of hearing Shri J. D. Lal, authorised representative of the concerned workman conceded that the domestic enquiry was held fairly and properly. Thereafter the case was heard on merit. The parties arrayed relied on the evidence already on record in order to prove their respective contentions.

7. Admittedly, the concerned workman was employed as miner/leader in Jealgora colliery of M/s. B.C.C. Ltd. before his dismissal from service. The pleading of the management discloses that he secured employment under Land Looser's Scheme framed by the company. The scheme itself and its details thereof have not been spelt out in the pleading of the management nor have they surfaced in evidence in the domestic enquiry.

Shri J. D. Lal, authorised representative of the concerned workman, has criticised the action of the

management by submitting that the management desired to take advantage of the scheme in support of its action in dismissing the concerned workman from service without producing the scheme itself as evidence in domestic enquiry. But I consider that it is not very much material in so far as the present controversy is concerned.

8. It appears that one Bishu Mahato son of Late Hariram Mahato of village Gourkhunti, P. S. Jorapokhar, District Dhanbad sold away 6.95 acres of land to M/s. B.C.C. Ltd. by three deeds of conveyance executed on 30-1-1981, 30-1-1980 and 26-9-1980 respectively. It is alleged by the management that the concerned workman secured employment in M/s. B.C.C. Ltd. by disclosing/representing himself to be the nephew of Bishu Mahato which he is not.

9. The sheet anchor of the case of the management is admittedly the charge-sheet issued against the concerned workman for his alleged misconduct. I reproduce hereinbelow the charge-sheet dated 26/28-2-1986 issued by the Agent of the colliery which has been marked Ext. M-4 ;

"It has been reported that you got into employment of Bhowra Area against acquisition of land situated in the vicinity of 27 Incline and 31A Incline at Bhowra Collieries measuring to 30.43 Acres.

Before the appointment letter were issued you had submitted a relationship certificate with attested photograph addressed to the Administrative Officer, Bhowra Area Office, in which you have declared yourself as the nephew of Shri Bishu Mahato of Gourkhunti, Bhowra though you are not related to him and in fact you are nephew of Shri Mewa Sao, Mining Sirdar of Bhowra(S) Colliery.

The above acts of yours amounts to misconduct under the provisions of the standing orders applicable to the colliery which reads as follows :—

Clause 27(17) : Giving false information regarding name, father's name, home address etc. at the time of employment.

Clause 27(2) : Theft, fraud and dishonesty in connection with Company's business and property.

You are hereby asked to show cause within 48 hours of receipt of this letter as to why disciplinary action shall not be initiated against you for the above misconduct.

You will remain suspended pending enquiry and decision into the matter."

It appears from the charge-sheet that before the letter of appointment was issued to the concerned workman, he had submitted a relationship certificate with attested photograph addressed to the Administrative Officer, Bhowra Area Office in which he had declared himself as a nephew of Bishu Mahato of Gourkhunti of Bhowra though he was not related to him and in fact, he is the nephew of Mewa Sao, Mining Sirdar of Bhowra Colliery. The charge-sheet further spells out that by submitting false declaration he committed misconduct as comprehended under

Clause 27(17) : giving false information regarding name, father's name, home address etc. at the time of employment and under Clause 27(2) : Theft, fraud and dishonesty in connection with Company's business and property, under Standing order of the colliery.

In reply dated 7-3-86 to the chargesheet the concerned workman denied the charges stating as follows;

"That, the allegations contained in the above charge sheet are false and motivated and have been levelled without any proper enquiry at the instance of some enimical to me.

That, I have not committed any mis-conduct under Clause 27(17) and 27(2) of the Certified Standing Orders applicable to the Colliery. Shri Mewa Prasad is my father and not my uncle as stated in the charge-sheet which shows the falsity of the charges levelled.

Under the circumstances I request that the charge levelled against me, be dropped and I may be allowed to resume my duties forthwith."

10. The management has not produced the relationship certificate with attested photograph submitted by the concerned workman to the Administrative Officer, Bhowra Area either in the domestic enquiry or at the time of hearing of the case before his Tribunal. The proceeding of the domestic enquiry includes photo copy of the certificate dated 4-7-81 issued by the Mukhiya, Gram Panchayat, Mohulbani, P. S. Jharia. By this certificate the Mukhiya attested the photograph of the concerned workman and reported that the land of one Bishu Mahato had been acquired by M/s. B.C.C. Ltd. This certificate does not disclose that the concerned workman is the son of Mewa Sao or that he is the nephew of Bishu Mahato. It has been alleged in the chargesheet that the concerned workman is the nephew of Mewa Sao, Mining Sirdar of Bhowra (S) colliery. In his reply to the chargesheet, the concerned workman has stated that Mewa Prasad is his father and not his uncle as stated in the chargesheet. In his statement before the Enquiry Officer he has stated that his father is a Mining Sirdar in 28 Incline at Bhowra. This being the evidence it is obvious that the allegation in the chargesheet that the concerned workman is the nephew of Mewa Sao, Mining Sirdar of Bhowra (S) colliery is palpably incorrect.

11. Shri G. Prasad, learned Advocate for the management has taken me through appointment letter issued to the concerned workman which was produced in the domestic enquiry. This appointment letter is dated 2/3-8-83. This appointment letter was issued in favour of the concerned workman, C/O Bishu Mahato, Gourkhunti, Dist. Dhanbad by the General Manager, Bhowra Area. This appointment letter also discloses that the appointment is subject to the stipulation that in case the concerned workman is not found to be genuine or his personal particulars are found to be false in future his services will be liable to be terminated without any notice or assigning any reason thereto as per norms of the company. It has not been alleged that the concerned workman is not a genuine person. It has been alleged in the chargesheet that he submitted false declaration in the relationship certificate by disclosing himself to be the nephew of Bishu Mahato of Gourkhunti of Bhowra. I have al-

ready stated that the relationship certificate with attested photograph allegedly submitted by the concerned workman has not been produced either in the domestic enquiry or before this Tribunal. The appointment letter was issued by the management and it cannot be treated to be a statement of the concerned workman with regard to his address.

12. It appears that in the domestic proceeding Janardan Prasad, representative of the management, stated before the Enquiry Officer that from the Form 'B' register it was evident that the native village of both the persons—Bihari Prasad and Bishu Mahato were different. But this Form 'B' register has not been produced either in the domestic enquiry or before this Tribunal.

Thus, there is absolutely no material on record to prove that the concerned workman submitted a false declaration before the management by submitting a relationship certificate with attested photograph addressed to the Administrative Officer, Bhowra Area Office. Hence, the entire charge against the concerned workman for giving false information regarding his name, father's name and home address as contained in the alleged certificate founders on the ground. There is no evidence on record to prove the next count of charge i.e. theft, fraud or dishonestly in connection with company's business or property.

13. Shri G. Prasad, learned Advocate for the management has produced before me the certified copy of the judgement of Hon'ble Patna High Court, Ranchi Bench, dated 10-7-89 in C.W.J.C. No. 1016 and 898 of 1989 and submitted that Hon'ble Court deprecated the tendency on the part of the workman to sneak into the employment by submitting false declaration/representation. The order of the Hon'ble Court indicates that two workmen concerned in C.W.J.C. gave out to the management that they owned land which they agreed to sell to the company and on the basis of this agreement employment was given to them. The workmen concerned were required to execute sale deed within three months, but the same was not done. As the sale deeds were not executed, services of the workmen were terminated. The Hon'ble Court had as follows :

".....The workmen gave out that the lands belonged to them and on the basis of this, the management gave them employment. Admittedly again no sale deed was executed by the workmen. It appears that third party Jagbandhu Gope raised a claim with regard to the land in question and he ultimately filed a suit or declaration of his title and that suit was pending during the pendency of the reference. The said Title suit has been disposed of after the award and it was decreed in favour of Jagbandhu Gope. The Civil Court declared his title with regard to the land in question. In that view of the matter, until and unless the decree is not abide, it must be held that the workmen had no title which they could transfer to the Company. Since the condition of the employment was that they would transfer the land in question to the Company, and in view of the decision of the Civil Court that the workman has no title to the same

in the peculiar circumstances of the case, we are of the opinion that the workmen cannot take advantage of section 25-F of the Act. The petitioner, therefore, must succeed in this writ application."

The judgement cited by Shri Prasad has got no manner of application in the context of facts and circumstances of the present case since the facts as appearing in that case are quite different from those appearing in the present case.

14. Upon consideration of evidence on record and facts and circumstances of the case I have no hesitation to hold that the management has failed to bring the charges home to the concerned person in the domestic enquiry. Consequently, the order of dismissal issued on the basis of the report of the Enquiry Officer must also be set aside.

15. Accordingly, the following award is rendered.—the action of the management of Jealgora Colliery of M/s. B.C.C. Ltd., P.O. Jealgora, Distt. Dhanbad in dismissing Shri Bihari Prasad, Miner/Loader from service with effect from 8-7-1987 is not justified. The management is directed to reinstate the concerned workman in service within one month from the date of publication of the award and pay him 40 per cent of back wages from the date of dismissal from service till he joins his duty. The management may, however, proceed against the concerned workman by holding a separate domestic enquiry, if it so desires.

In the circumstances of the case, I award no cost.

S. K. MITRA, Persiding Officer
[No. L-20012/26/89-IR(Coal-I)]

नई दिल्ली, 12 अप्रैल, 1991

का.आ. 1278:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में इ. सी. एल. का निरशा कोलियरी के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-91 को प्राप्त हुआ था।

New Delhi, the 12th April, 1991

S.O. 1278.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Nirsha Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on 10-4-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 107 of 1988

PARTIES :

Employers in relation to the management of Nirsha Colliery of M/s. E. C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 22nd March, 1991

AWARD

By Order No. L-20012/35/88-D. III(A), dated, the 2nd August, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Nirsha Area of M/s. Eastern Coalfields Ltd. in dismissing Shri Rajendra Prasad Sharma, Dresser (Medical) from service of the company with effect from 6-4-1987 is justified ? If not, to what relief is the workman entitled ?"

2. The case of the management of Nirsha Area of M/s. Eastern Coalfields Ltd., P. O. Mugma, Dist. Dhanbad, as disclosed in the written statement submitted, details apart, is as follows :

The management requires additional lands from time to time for the purpose of mining operation and also for other purposes. In such cases the management formulated a scheme known as land losers scheme whereby the persons whose land has been acquired purchased on payment of prescribed price are provided employment. In case the persons concerned themselves are not fit for employment or are not agreeable to work, the jobs are given to their dependents. Rajendra Prasad Sharma, the concerned workman, was initially appointed as a trainee under the land losers scheme of the management against a portion of land appertaining to Plot No. 671, Jamabandi No. 82, Mouza Mugma which was sold to M/s. E. C. Ltd. by his brother, Praduman Sharma for valuable consideration by registered deed. Sri Sharma nominated Rajendra Prasad Sharma for employment in M/s. E. C. Ltd. Such employments were being offered by the management at the relevant time under certain terms and conditions and one of such conditions is that in case of any dispute about the ownership of the land the employment of the nominee will be discontinued. In the present case the Deputy Commissioner, Dhanbad, sent a letter dated 21-1-85 stating that after enquiry it was found that the above plot of land formed part of Government land and its ownership vested in the Government of Bihar and no one could have sold the land to M/s. E. C. Ltd. It also transpires at the same time that this very piece of land was illegally sold to Praduman Sharma by one Ram Ratan Tiwari and later Praduman Sharma

sold it to the E. C. Ltd. On receipt of the above letter of the Deputy Commissioner, Dhanbad, the concerned workman was issued with a charge sheet for misconduct of fraud and dishonesty in connection with the employer's business or property and abetment of such misconduct under Model Standing Orders applicable to establishments in coal mines. The concerned workman submitted his explanation, but finding it unsatisfactory a domestic enquiry was held by the management by appointment of an Enquiry Officer, Shri Shamsher Singh, Deputy Personnel Manager, Nirsa Area. The Enquiry Officer held the enquiry in conformance to the principles of natural justice and found the concerned workman guilty of misconduct. The General Manager of Nirsa Area accepted the finding of the Enquiry Officer and came to the conclusion that this was a fit case for dismissal of the concerned workman from service. Accordingly the workman concerned was dismissed from service by letter dated 6-4-87. Hence, the management has submitted that its action in dismissing the concerned workman from service is justified.

3. The case of the concerned workman, as disclosed in the written statement submitted on his behalf by Bihar Colliery Kamgar Union, Dhanbad, briefly stated, is as follows :

The concerned workman was originally appointed as an apprentice under the land losers scheme in the year 1983 and after completion of the apprenticeship he was confirmed as permanent workman and started to work as Dresser in Nirsha Colliery and he had put 240 days attendance in each calendar year as permanent workman prior to his dismissal from service. Plot No. 671, Jamabandi No. 82, Mouza Mugma was purchased from one Ram Ratan Tiwari by his brother Praduman Sharma. But all of a sudden the management issued a charge sheet dated 22/24-3-86 to him as per instruction of the Deputy Commissioner, Dhanbad, alleging misconduct of fraud and dishonesty with respect of company's business and abetment thereto. He replied to the chargesheet denying the charge. He submitted that the land was purchased from Ram Ratan Tiwari under registered sale deed and the same was still valid. He further submitted that Ram Ratan Tiwari had also filed a case before Deputy Commissioner, Dhanbad, asserting the latter's observation. He raised an industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad, for his intervention but the same was closed by the Asstt. Labour Commissioner (C), Dhanbad, who considered that the case was not matured for conciliation and directed the management to complete the enquiry. The management completed the enquiry by observing empty formalities. In the departmental enquiry he was not given full opportunity to defend himself. But even in the invalid and irregular departmental enquiry the management miserably failed to prove the allegations of fraud, dishonesty or abetment. Before purchasing the land the management sought clarification from the Circle Officer about the title and possession of the land purchased by his brother. The Circle Officer verified the authenticity of the ownership of his brother in the land in question and confirmed it to the management. The management offered employment to him only after receiving confirmation regarding the title interest and owner-

ship of Praduman Sharma in the land in question. He also represented before the Deputy Commissioner on the ground that at his direction the management had issued him a false and fictitious charge-sheet. The Deputy Commissioner directed him to agitate the matter before the appropriate authority for getting back his employment. Despite the above facts the management illegally and arbitrarily dismissed him with effect from 6-4-1987. The union again raised an industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad and the appropriate Government has been pleased to refer the dispute for adjudication by this Tribunal. It has been asserted that the action of the management in dismissing the concerned workman from service is invalid and irregular. Hence, the concerned workman is entitled to be reinstated in service with full back wages and other consequential benefits.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that the concerned workman was appointed as apprentice under Land Looser Scheme in the year 1983 and was later appointed as a Dresser in Nirsa Colliery. The management has asserted that the domestic enquiry was held in conformance to the principles of natural justice. It has been alleged by the management that truth regarding the ownership of the land was deliberately suppressed by the concerned workman who indulged in manipulation along with other and certain other persons. The land in question was not mutated in the name either of the concerned workman or of his brother. The management has asserted that in the context of facts and circumstances of the case its action in dismissing the concerned workman is fully justified.

5. In the rejoinder to the written statement of the management, the sponsoring union has stated that on the basis of purchase of land from the same plot No. 571 Jamabandi No. 82, Mouza Mugma several other persons, who had also purchased the land from Ram Ratan Tiwary, owner, has been provided employment. But the management has not removed any of such persons from service in spite of the fact that they purchased some parcels of land from the said Ram Ratan Tiwary. The union has further alleged that the charges levelled against the concerned workman do not constitute any misconduct under the Model Standing Order applicable to the Coal Industry and asserted that in the domestic enquiry the charges against the concerned workman were not proved at all.

6. At the instance of the management the fairness or otherwise of the domestic enquiry was considered as preliminary issue.

Shri R. S. Murthy, learned Advocate for the management conceded that the domestic enquiry was incomplete. In the circumstances, it was held by order dated 24-8-1989 that the domestic enquiry was not held fairly and properly. Thereupon both the parties have laid evidence afresh on merit. At the time of hearing on merit the management could not produce any witness but laid in evidence a mass of documents which have been marked Exts. M-1 to M-11.

On the other hand, the sponsoring union examined the concerned workman and laid in evidence certain items of documents which have been marked Exts. W-1 to W-9.

7. According to the management, M/s. E.C. Ltd. requires additional lands from time to time for the purpose of mining operation and also for other purposes and in such case the management formulated a scheme, known as Land Looser's Scheme, whereby the person or persons whose lands have been acquired/purchased on prescribed price are provided employment and in case the persons concerned themselves are not fit for employment or are not agreeable to work, the jobs are given to their dependents. The further case of the management is that such employment were being offered by the management at the relevant time during 1981 to 1983 on certain terms and conditions and one of such conditions is that in case of any dispute about the ownership of any land the employment would be discontinued. There is no serious dispute about this factual position from the side of the sponsoring union. As a matter of fact, the management has produced the letter of appointment dated 15-9-1983 issued to the concerned workman (Ext. M-11) wherefrom it appears that he was appointed as Dresser apprentice under the scheme for engagement as apprentice under Land Looser Scheme and one of the conditions of service was that in case any information or intimation given by him to the company, if found incorrect, for obtaining job, his services were liable to be terminated without any notice. It is irrefragable position that Praduman Sharma, brother of Rajendra Prasad Sharma, the concerned workman sold away one acre of land appertaining to Plot No. 671, Jamabandi No. 82 of Mouza Mugma to the management of M/s. E.C. Ltd. by registered deed of conveyance dated 14-2-1983 (Ext. W-4) for valuable consideration. It appears that Praduman Sharma purchased this parcel of land from one Ram Ratan Tiwary by registered deed of conveyance dated 28-9-1981 for valuable consideration (Ext. W-1). Thus, it is seen that Praduman Sharma sold away the parcel of land to the management of M/s. E.C. Ltd. within a space of one year and 4 months approximately after he had purchased it from Ram Ratan Tiwary.

Admittedly, he did not secure employment for himself upon sale of this land to the management of M/s. E.C. Ltd. under Land Looser Scheme; his nominee was the concerned workman, his brother. The concerned workman, as nominee of Praduman Sharma, got employment as Dresser Trainee under the management of M/s. E.C. Ltd. with effect from 15-9-1983 under Land Looser Scheme (Ext. M-11).

8. The Deputy Commissioner reported to the management of M/s. E.C. Ltd. by letter dated 21-1-86 that the Plot No. 671 in question was vested land of the Government and that employment should not be given to anybody afterwards on the basis of transfer of land appertaining to that plot. Upon receipt of the letter from the Deputy Commissioner the management issued chargesheet against the concerned workman for having committed fraud and dishonesty in connection with employer's business or property and abetment of the aforesaid act of mis-

conduct under Clause 17(i)(a) and 17(i)(u) of the Model Standing Order applicable to the establishment in Coal Industry (Ext. M-1). The concerned workman submitted his explanation to the charge-sheet stating that the parcel of land was purchased from the rightful owner Ram Ratan Tiwary and that the management of M/s. ECL, after verification of the title to the property purchased the same and that the Circle Officer cleared the title to the property (Ext. M-2). The management decided to hold domestic enquiry and the Enquiry Officer, in the domestic enquiry, found the concerned workman guilty of the misconduct as per Clause 17(i)(a) and 17(i)(u) of the Model Standing Order applicable to establishment in Coal Mining Industry. The management on the basis of the report of the Enquiry Officer dismissed the concerned workman from service with effect from 6-4-1987 (Ext. M-7).

9. Since the domestic enquiry was not held fairly and properly both the parties adduced evidence on merits. The management could not improve its position in the final hearing by producing any additional evidence. But the sponsoring union examined the concerned workman and introduced in evidence a number of documents in the final hearing. From the report of the Government official submitted before the Circle Officer dated 7-2-1982 (Ext. W-7) it appears that one Montu Mondal purchased a parcel of land measuring one acre appertaining to Plot No. 671 of Mouza Mugma and the remaining two acres of land in the said plot remained adjacent to the land of two other persons and M/s. E.C. Ltd. was in possession of these three acres of land. The sponsoring union has filed a photostat copy of proceeding for cancellation of mutation and mutation in favour of Yadav Chandra Rai dated 11-5-1979 (Ext. W-8). From this proceeding it appears that Ram Ratan Tiwary was holding rayoti interest in respect of another plot of land. The sponsoring union has filed Dakhila (rent receipt) for the years 1979-82 showing that Ram Ratan Tiwary had paid rent for the land appertaining to Plot No. 671. The totality of this evidence indicates that Ram Ratan Tiwary was holding rayoti interest in respect of the land appertaining to Plot No. 671, Jamabandi No. 82 of Mouza Mugma. Now, the Deputy Commissioner by his letter dated 21-1-1986 intimated the management of M/s. E.C. Ltd. that Plot No. 671 of Jamabandi No. 82 was a vested land in the State. Under Section 3 of the Bihar Land Reforms Act, 1950 the State Government may, from time to time, by Notification declare that the Estates or Tenures of a proprietor or tenure holder, specified in the Notification, have passed to and become vested in the State. Thus, it is seen that once a notification is issued under the aforesaid Section, the entire estate, save and except raiyati interest created by the proprietor, vests in the State. There is no evidence on record to indicate that Ram Ratan Tiwary was holding the land in question as a proprietor or tenure holder. On the other hand, the sponsoring union has filed proceeding with regard to cancellation of mutation (Ext. W-8) and the rent receipt granted to Ram Ratan Tiwary by the Government. These two documents are indicative of the fact that Ram Ratan Tiwary was holding raiyati interest in the land in question. Presumably on a reference of the matter by Montu Mondal and the concerned workman, the Deputy Commissioner wrote

to the management of M/s. E.C. Ltd. on 1-10-1986 requesting them to inform him the reasons for dispensing of the services of the aforesaid persons (Ext. W-9). There is nothing on record to indicate that the management has given any reply to that letter.

Anyway, Shri R. S. Murthy has submitted before me that the Government has resorted to proceeding under the appropriate section of Bihar Land Reforms Act for visting of the land in question to the State. The State Government, by notification, may declare that the Estates or Tenures of a proprietor or tenure holder have passed to and become vested in the State. But there is no evidence on record that Ram Ratan Tiwary was a tenure-holder or a proprietor. Even so, it is upto the Government to decide whether the plot of land in question should be vested in the State or not. But till that is done the sale of land by the brother of the concerned workman to the management of M/s. E.C.L. must be held to be perfectly valid. Accordingly, the management can take no action against the concerned workman unless and until it is proved to be hilt that the land sold by his brother Pradyuman Sharma to the management of M/s. E.C. Ltd. has vested in the State.

10. As a result the dismissal of the concerned workman from service cannot be sustained. But the management may take up the matter with the Government to clarify the position as to the parcel of land sold by the brother of the concerned workman to the management of M/s. E.C. Ltd. is vested land or not and if so, the management may take appropriate action against the concerned workman. But until the Government decision or order in the matter is available, the management has got no right to dismiss the concerned workman from service.

11. Accordingly, the following award is rendered—the action of the management of Njrsa Area of M/s. E.C. Ltd. in dismissing Rajendra Prasad Sharma, the concerned workman, from service of the company with effect from 6-4-1987 is not justified. The management is directed to reinstate him in service with 75 per cent of back wages and to give him continuity of service and other benefits. The management is at liberty to ascertain from the Government as to whether the parcel of land ultimately has vested in the State or not and if so, it may take such appropriate action against the concerned workman as it deems fit and proper.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer.

[No. L-20012/35/88-D.III(A)/IR(Coal-I)]

का.आ. 1279 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, में जी. सी. सी. एल. का बागाबड़ कोलियरी के प्रबन्धक से संबन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-91 को प्राप्त हुआ था।

S.O. 1279.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dis-

pute between the employers in relation to the management of Bhagaband Colliery of M/s. BCCL and their workmen, which was received by the Central Government on the 10-4-1991.

ANNEXURE

BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 13 of 1988.

PARTIES :

Employers in relation to the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen : Shri S. Bose, Secretary,
Rashtriya Colliery Mazdoor Sangh.

State : Bihar. Industry : Coal.

Dated, the 21st March, 1991

AWARD

By Order No. L-20012(3)/83-D.III(A), dated, the 18th June, 1983, the Central Government in the Ministry of Labour, had, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to Central Government Industrial Tribunal No. 3, Dhanbad. Subsequently, the dispute has been transferred to this Tribunal vide Ministry of Labour's Order No. S-11025(7)/87-D.IV(B) dated 31st December, 1987/1st January, 1988 :—

“Whether the demand of the workman of Bhagaband Colliery of Messrs Bharat Coking Coal Limited that Shri Rajendra Pathak should be promoted as Senior Overman from 30-6-78 is justified? If so, to what relief is the said workman entitled?”

2. The case of the concerned workman, as disclosed in the written statement submitted on his behalf by the sponsoring union, Rashtriya Colliery Mazdoor Sangh, details apart, is as follows :

The concerned workman is a permanent employee of Bhagaband Colliery of M/s. B.C.C. Ltd. and he has been performing the job as required by a Senior Overman of the colliery. But he is not being paid the wages and emoluments of that job. Another employee, Rajendra Pandey was also employed on the same date along with him in the post of Overman with effect from 1-1-73 by Office Order dated 16-1-73. The management upgraded Rajendra Pandey to the rank of Senior Overman. While upgrading Rajendra Pandey the case of the concerned workman should

have been considered by the management and he should have been upgraded since both of them were appointed on the same date in the post of Overman. Both of them stand on the same footing in respect of upgrading to the next higher grade that is from Technical Grade-B to Technical Grade-A. But the management acted in a prejudicial manner and the concerned workman was not upgraded to the post of Senior Overman. It is a clear case of discrimination between workman and workman. The concerned workman himself as well as his union made several representation in writing before the management but to no effect. Having failed to receive justice at the hands of erring management the union made a representation dated 5-10-82 before the Asstt. Labour Commissioner (C), Dhanbad who took up the matter in conciliation with the parties. But the conciliation proceeding ended in a failure and the Central Government, Ministry of Labour, has been pleased to refer the present dispute for adjudication by this Tribunal. In the circumstances the concerned workman has prayed that he should be promoted/upgraded to the post of Senior Overman with effect from the date on which Rajendra Pandey was promoted to the post of Senior Overman with effect from 30-7-79 and that he should be allowed other further reliefs.

3. The case of the management of Bhagaband Colliery as disclosed in the written statement, briefly stated, is as follows :

The present reference is not maintainable either in law or on facts. The Overman is not a ‘workman’ within the meaning of the Industrial Disputes Act. Promotion is a function of the management and it is not the function of the Tribunal to consider the merits of various employees and then to decide whom to promote and whom not to promote. Whether a particular employee should be promoted from one grade to higher grade depends not only on the length of service but also on his efficiency and other qualifications for the post to which he seeks to be promoted, and in the matter of promotion the intimate knowledge of the higher authority, empowered to promote, has a greater value. In the absence of clear proof of malafide of discrimination on extraneous grounds on the part of the management, it is wholly inappropriate for an outside authority to attempt to weigh the relevant merits of the individuals who might be holding the higher post and those who are aspiring for the same. The management has submitted that no retrospective effect can be given to an award prior to the date on which the specific demand which resulted in the industrial dispute was made. Rajendra Pathak, the concerned workman along with others were promoted as Overman with effect from 1-1-73. Promotion of mining personnel from Technical Grade ‘B’ to Technical Grade ‘A’ i.e. from the post of an overman to a senior overman is based on merit-cum-seniority and efficiency and suitability of the person to the post to which he seeks to be promoted. The case of Rajendra Pathak was examined in 1978 but he could not be selected. There was only one post of Senior Overman and the most deserving candidate was selected. There is no merit in the demand of the workman and the reference is fit to be answered accordingly.

4. In rejoinder to the written statement of the management, the sponsoring union has asserted that

the overman is a workman within the meaning of Industrial Disputes Act. The contention of the management with regard to the matter of promotion has been derided and disputed by the sponsoring union. The action of the management in not promoting the concerned workman to the post of Senior Overman is palpably motivated and mala fide. The case of the concerned workman was not examined while promoting Rajendra Pandey to the post of Senior Overman and hence the contention of the management that the concerned workman was not found fit for promotion is totally incorrect.

5. In rejoinder to the written statement of the sponsoring union, the management has asserted that the case of both Rajendra Pandey and Rajendra Pathak was considered by the management and Rajendra Pandey was found to be of extraordinary merit and therefore he was promoted as Senior Overman. Rajendra Pathak was not found suitable and so he could not be selected. Promotion is function of the management and it cannot be claimed as a matter of right. The concerned workman is not entitled to be promoted either from 30-6-78 or any other subsequent date and he is not entitled to any other relief.

6. The sponsoring union, in support of its demand has examined the concerned workman and laid in evidence three items of documents marked Exts. W-1, W-2 and W-3. Besides, the union has placed on record the conciliation file.

On the other hand, the management has not examined any witness nor has it laid any documentary evidence.

7. The concerned workman in his testimony has stated that he passed overmanship examination in 1970. He has produced photo copy of the overman's certificate under Coal Mines Regulation, 1957 dated 4-5-1970 (Ext. W-1). This certificate discloses that he passed the examination held on 16-2-1970 and was granted overman's certificate on 4-3-70. He has produced an order issued by the management on 27-4-72 by the Group Officer to Bhagora Group whereby he was promoted to officiate as overman at Kendwadih colliery (Ext. W-2). He has stated that Rajendra Pandey passed overmanship examination in 1972 although he could not produce any paper in support of his testimony. Nevertheless the fact remains that the management could not lay any contra evidence to disprove of this fact. Anyway, it is an admitted fact that both the concerned workman and Rajendra Pandey were promoted to the post of overman with effect from 1-1-73 in Bhagaband Colliery.

8. Another assailable fact is that Rajendra Pandey was promoted to the post of Senior Overman in the same colliery with effect from 30-6-78 while the concerned workman has been promoted to the same post with effect from May, 1983.

The case of the management is that the promotion is function of the management and it is not function of the Tribunal to consider the relative merit of various employees and to decide whom to promote and whom not to promote. The management has further contended that the case of the concerned workman was examined in 1978 alongwith Rajendra Pandey and since Rajendra Pandey was found to be extraordinary merit, he was selected and promoted as Senior Over-

man while the concerned workman was not found suitable for the post and could not be selected. On the other hand, the case of the sponsoring union is that the management has made a palpable discrimination in promoting Rajendra Pandey over the head of the concerned workman and that the case of the concerned workman was not examined at all while Rajendra Pandey was promoted to the post of Senior Overman.

9. Indeed, the matter of promotion is a managerial function but nevertheless the decision of the management in regard to this matter is not sacrosanct. When the management has resorted to discrimination, victimisation or unfair play in the matter of promotion certainly the Tribunal has every right to look into the matter and to appraise the facts and circumstances. In the present case the union has specifically pleaded that the management has resorted to discrimination in promoting Rajendra Pandey to the post of Senior Overman while the case of the concerned workman was not considered at all.

10. Shri G. Prasad, learned Advocate for the management has contended that both the cases of Rajendra Pandey and the concerned workman were considered way back in 1978 and since Rajendra Pandey was found to be extra-ordinary merit, he was selected for the post and the concerned workman was not since there was only one post of Senior Overman in the colliery.

Shri S. Bose, authorised representative of the sponsoring union has contended that the case of the concerned workman was not considered at all and that Rajendra Pandey was promoted over the head of the concerned workman without holding any D.P.C. which militates against the cadre Scheme.

11. The concerned workman has emphatically stated in his testimony that Rajendra Pandey was promoted to the post of Senior Overman on the basis of recommendation of the Officer and not on the basis of recommendation by D.P.C. He has further stated that Rajendra Pandey was promoted to the post of Senior Overman with effect from 30-6-78 while he was promoted to that post with effect from May, 1983 and in the process he has lost seniority and suffered monetary loss. In cross-examination he has specifically denied that D.P.C. was held in 1978 and that he was not found suitable for the post of Senior Overman by D.P.C. The management could not produce any whit of evidence to show that D.P.C. was held in 1978. Moreover, it is not the case of the management that D.P.C. was held in 1978. The management seems to have introduced the fact of D.P.C. having been held in 1978 in order to whittle down the case of the concerned workman. In its comments before the A.L.C. (C), Dhanbad, when the industrial dispute was raised, the management did not even plead that such D.P.C. was held in 1978. In its comments to the A.L.C. (C), Dhanbad by letter dated 21-12-82 the management has written as follows :—

“.....As per Cadre Scheme of the concerned employees circulated vide No. BCCCL(DP)|CD/77/27347-89 dated 25/27th May '77 the promotion of Mining personnel from Tech. Grade 'B' to Tech. Grade 'A' i.e. from the post of Overman to Senior Over-

man is based on merit-cum-seniority. Thus seniority is not only the criteria for promotion. In the year 1978, the performance of Sri Rajendra Pandey, Overman was found extra-ordinary and there was then a requirement of a competent Sr. Overman also. Sri Rajendra Pandey, Overman was therefore promoted from Tech. Grade 'B' to Tech. Grade 'A' w.e.f. 30-6-78 under the approval of competent authority.

In view above, it may kindly be appreciated that the case of Sri Rajendra Pandey was competent for promotion as per Cadre Scheme because he was superior in performance than Sri Rajendra Pathak even though their date of entry in the job of Overman was the same i.e. 1-1-1973. The case of Sri Rajendra Pandey, Overman was strongly recommended by the Addl. Manager and Superintendent of the colliery under whom he had been working.....".

The management has commented before the A.L.C. (C), Dhanbad, that Rajendra Pandey was superior in performance than the concerned workman even though their date of entry in the job of overman was the same i.e. 1-1-73 and that the case of Rajendra Pandey was strongly recommended by the then Addl. Manager and Superintendent of the colliery under whom he had been working. The management has not produced any document to show that it made comparative assessment of performance of Rajendra Pandey and the concerned workman and that on the basis of such assessment Rajendra Pandey was considered superior in performance to the concerned workman and was selected for the post of Senior Overman. The comment of the management simply shows that the case of Rajendra Pandey was strongly recommended by Addl. Manager and Superintendent of the colliery under whom he had been working. But even then the action of the management in promoting Rajendra Pandey to the post of Senior Overman without holding D.P.C. militates cadre scheme. This being so, I have no hesitation to come to the conclusion that the management discriminated the concerned workman while promoting Rajendra Pandey to the post of Senior Overman to the exclusion of the concerned workman whose case was not considered at all by the management.

12. The concerned workman has been promoted to the post of Senior Overman in the same colliery in May, 1983. The management in its written statement has taken the position that the concerned workman is not entitled to any relief including promotion either from 30-6-78 or any other date posterior thereto. How empty is the contention is evidenced from the fact that the management promoted the concerned workman to the post of Senior Overman with effect from May, 1983 despite its plea that he is not entitled to promotion either from 30-6-78 or any date posterior thereto. Anyway, the question that falls for consideration is the date from which the concerned workman is entitled to get promotion to the post of Senior Overman because his promotion to that post is already a fait accompli.

13. Shri G. Prasad, Advocate has contended that no retrospective effect can be given to an award for

any period prior to the date on which a specific demand which resulted into industrial dispute was made. Indeed, this is a sound proposition of law but when the reference for adjudication itself specifies the period from which the demand shall be taken into consideration, there is no bar for the Tribunal to consider the specifically from that period. Anyway, in the present case the specific demand was made by the sponsoring union for promotion of the concerned workman which resulted in the present industrial dispute way back on 5-10-82. The concerned workman is entitled to be promoted to the post of Senior Overman with effect from that date atleast.

In the result, the demand of the sponsoring union sustains.

14. Accordingly, the following award is rendered the demand of the workman of Bhagaband Colliery of M/s BCC Ltd. that Rajendra Pathak, the concerned workman, should be promoted as Senior Overman with effect from 5-10-1982 is justified. The management is directed to give him promotion from that date and to pay him other monetary benefit and back wages and to consider his seniority in service with effect from that date.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012/3/83-D, III(A)/IR(Coal-I)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 16 अप्रैल, 1991

का.आ. 1280:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोकारो स्टील प्लांट के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947, धारा 1, धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 10-4-91 को प्राप्त हुआ था।

New Delhi, the 16th April, 1991

S.O. 1280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, No. 1. Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bokaro Steel Plant and their workmen, which was received by the Central Government on 10-4-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10 (1) (d) of the Industrial Disputes Act, 1947

Reference No. 37 of 1989

PARTIES :

Employers in relation to the management of Bokaro Steel Plant.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer

APPEARANCES :

For the Employers.—Shri N. Singh, Asstt. Chief Law Officer.

For the Workmen.—Shri D. Mukherjee, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 25th March, 1991

AWARD

By Order No. L-26011/9/85-D. III(B). dated, the 3rd April, 1987, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bhawanathpur Lime Stone Mines of Bokaro Steel Plant, Bhawanathpur in terminating the services of Shri Shymal Kumar Ghosal, Mining Mate w.e.f. 31-12-82 is justified ? If not, to what relief the workman is entitled ?”

2. The case of the management of Bhawanathpur Lime Stone Mines of Bokaro Steel Plant, Bhawanathpur as appearing from the written statement, details apart, is as follows :—

The present reference is not maintainable since the dispute has not been sponsored by any union nor is the same in-conformity with the provisions of Section 2(s) of the Industrial Disputes Act. Shyamal Kumar Ghosal is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. Since he was never in the employment of the management, the question termination of his services w.e.f. 31-12-82 does not arise. He was never employed either in Kuteshwar Lime Stone Mine or in Bhawanathpur Lime Stone Mine for any work in any capacity whatsoever. The certificate issued to him by two officers of the management in their capacity as First Class Mining Engineer were as per Mines Regulation and their acts cannot bind the management. The contents of these two certificates are denied and the facts stated therein are not correct. The concerned person was never on the roll of the company and hence the question of violation of provisions of Standing Order or provisions of Industrial Disputes Act, 1947 do not arise. The certificate purported to have been issued by Shri N. Jankiraman *ex-facie* shows that there was a gap in the purported employment from 28-8-81 to 6-10-81 and this itself shows that the certificate is not genuine. Another reference case on the self-same fact is pending before Central Govt. Industrial Tribunal No. 2, Dhanbad. In the circumstances the management has prayed that the concerned person be held to be not a workman within the meaning of Sec. 2(s) of the Industrial Disputes Act and consequently he is not entitled to any relief.

3. The case of the concerned workman, as disclosed in the written statement, is as follows :

The concerned workman had been working as permanent Mining Mate since 10-5-79 continuously with

unblemished record of service. He had put in more than 240 days attendance in each calendar year, but his services were abruptly terminated w.e.f. 31-12-82 illegally and arbitrarily and in violation of the mandatory provision of Section 25-F of the Industrial Disputes Act. The management did not afford him opportunity before terminating his service. He represented against illegal and arbitrary termination of his service, but the management did not pay any heed to it. In the circumstances, he was forced to raise an industrial dispute before the A.L.C.(C) which ended in failure due to adamant attitude of the management. The action of the management in terminating the service of the concerned workman against the provision of the Standing Order and in violation of the mandatory provision of Section 25-F of the Industrial Disputes Act is illegal, arbitrary and unjustified. Hence he has prayed that the action of the management in terminating his service be held to be unjustified with a direction to re-instate him in service with full back wages.

4. In rejoinder to the written statement of the management, the concerned workman has disputed each and every contention of the management and stated that the Chief Personnel Manager who signed the written statement on behalf of the management had got no legal authority to deny the certificate issued by the competent authority.

5. The management, in support of its action, has examined MW-1 L. K. Sondhi, now posted as Superintendent of Mines/Mines Manager in Kiriburu Mines and laid in evidence some documents which have been marked Exts. M-1 and M-2.

On the other hand, the concerned workman has examined himself in support of his case, but has not produced any documentary evidence.

6. The case of the management, as disclosed in the written statement, is that the concerned workman, Shyamal Kumar Ghosal, was never employed either in Kuteshwar Lime Stone Mine or in Bhawanathpur Lime Stone Mine for any work in any capacity whatsoever. Admittedly, both Kuteshwar Lime Stone Mine and Bhawanathpur Lime Stone Mine are under the Bokaro Steel Plant of Steel Authority of India Ltd. MW-1 L. K. Sondhi is presently posted as Superintendent of Mines/Mines Manager in Kiriburu Mines. Earlier he was posted as Mines Manager (Production), Koteshwar Lime Stone Mine in 1981. He has admitted in his evidence that Kuteshwar Lime Stone Mine and Bhawanathpur Lime Stone Mine are both open cast mine. Although in the written statement the management has emphatically denied that the concerned workman was not employed either in Kuteshwar Lime Stone Mine or Bhawanathpur Lime Stone Mine for any work in any capacity whatsoever, Sri Sondhi has admitted in his evidence that the concerned workman was an unpaid trainee in Kuteshwar Lime Stone Mine. It seems that he has endeavoured to make out a case for the management by stating that the management did not use to provide him any remuneration or reward for working as such unpaid trainee. Anyway, this statement of Sri Sondhi is at variance with the statement of fact of the management as made in its written statement.

7. Shri Sondhi as a Mines Manager and on behalf of the management issued a certificate to the concerned workman dated 20-11-1981 certifying that he worked in Kuteshwar Lime Stone Mine from 10-5-1979 to 27-8-1981 and that during his tenure of work he obtained practical experience in blasting in open cast mine and the duties connected with his work had involved his continuous attendance at the mine and that the duties had been efficiently performed by him. (Ext. M-1). Nowhere in the four corner of this certificate it is indicated that the concerned workman was working as an unpaid trainee in Kuteshwar Lime Stone Mine.

Shri N. Singh, authorised representative of the management, has submitted before me that this certificate is nothing but a certificate of practical experience of a candidate for blaster's examination issued under Regulation 18 of Metalliferous Mines Regulation, 1961. This regulation envisages that no person shall be admitted as a candidate at any examination for a blaster's certificate unless the Board is satisfied that he has practical experience and training in a metalliferous mine for a period of not less than two years, of which not less than six months shall be experience and training in connection with shot firing. Had the concerned workman been engaged as an apprentice by the management, the certificate should have disclosed that position. I have already pointed out that the certificate does not disclose that the concerned workman was engaged in the mine as an unpaid apprentice. That apart, the certificate itself shows that the concerned workman worked in the mine for more than two years and thereby qualified himself for appearing in blaster's examination. It has remained inexplicable position as to why the concerned workman could not appear at Blaster's examination. In cross-examination he has stated that since his practical experience was short by two months and 12 days he could not appear at the examination. But this position is obviously not correct because he completed more than two years experience and training in Kuteshwar Lime Stone Mine admittedly a metalliferous mine. Then again, the management issued him another certificate which has been marked Ext. M-2. This was issued by Shri N. Janakiraman, General Manager (M&Q) of Bokaro Steel Plant of Steel Authority of India Lt. on 23-7-84 disclosing that the concerned workman worked as unpaid apprentice in Kuteshwar Lime Stone Mine between the period 10-5-79 to 27-8-81 on the trade of blasting and in Bhawanathpur Lime Stone Mine from 7-10-81 to 31-12-82 on the trade of Mining Mate. The management has tried to whittled down this certificate by stating in the written statement that since there was gap in the employment from 28-8-81 to 6-10-81, the certificate is not genuine. I cannot actually comprehend the reason for disclaiming the certificate as genuine by the management, specifically in view of the fact that the certified was issued by no less a person than the General Manager (M&Q) Bokaro Steel Plant of Steel Authority of India Limited. If there is any gap that may be due to many reasons including a contribution from the management itself. Anyway, the fact remains that it is the firm case of the management in its pleading that the concerned workman was never employed in Kuteshwar Lime Stone Mine and Bhawanathpur Lime Stone Mine for any work in any capacity whatsoever.

Now, by adducing evidence the management has tried to make a ramification by stating that the concerned workman was employed as an unpaid apprentice in both these mines. I have already pointed out that the certificate Ex. M-1 does not disclose that the concerned workman was employed as unpaid employee in Kuteshwar Lime Stone Mine.

The concerned workman has emphatically stated in conformity with his pleading that he worked in Kuteshwar Lime Stone Mine from 10-5-79 to 27-8-81 continuously as a blaster and that during this period he rendered service to the management by working 8 hours a day. He has further stated that thereafter he was transferred to Bhawanathpur Lime Stone Mine by the management and that he was stopped from duty by the management of Bhawanathpur Lime Stone Mine with effect from 31-12-82. He has further claimed that he worked for the management continuously and thereby rendered service by putting his attendance for more than 240 days in a calendar year. In cross-examination the management has not confronted him with the proposition that he was engaged in the mine as an unpaid apprentice. All that he has stated that his order of transfer from Kuteshwar Lime Stone Mine to Bhawanathpur Lime Stone Mine is lying with Sri B. Ram, Mines Manager, Bhawanathpur Lime Stone Mine and that he has admitted that he was not issued any pay slip and tried to explain the fact by stating that Sondhi Saheb told him that pay slip will be issued to him later.

8. The pleading of the parties and evidence on record boil down to the following facts —

- (i) the pleading of the management is that the concerned workman was never employed either in Kuteshwar Lime Stone Mine or Bhawanathpur Lime Stone Mine for any work in any capacity,
- (ii) at the time of hearing the management has introduced certain ramification in its case by stating that the concerned workman was engaged as an unpaid apprentice,
- (iii) the consistent case of the concerned workman in the pleading and evidence that he was engaged as a workman by the management of both Kuteshwar Lime Stone Mine and Bhawanathpur Lime Stone Mine and,
- (iv) the certificate granted by the Manager of the Mines (M) indicate that he worked in Kuteshwar Lime Stone Mine and gained practical experience and performed his work satisfactorily for a period of more than two years from 10-5-79 to 27-8-81.

9. The plea of the management that the concerned workman was an unpaid apprentice does not bear the test scrutiny.

'Apprentice' under section 2(a) of the Apprentices Act, 1961 means a person who is undergoing apprenticeship training in a designated trade in pursuance of a contract of apprenticeship. Thus, it is seen that a contract of apprenticeship is essential in order to engage a person as an apprentice under this Act. Section 4(1) of the said Act envisages that no person shall be engaged as an apprentice to undergo apprenticeship in a designated trade unless—(a) such person or if he

as a minor, his guardian has entered into a contract of apprenticeship with the employer, and (b) the contract of apprenticeship has been registered with the Apprenticeship Adviser.

Sub-section (2) of the said section envisages that every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract : provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder. Thus, it is obvious that in order to engage a person as Apprentice contract of apprenticeship is essential.

There is nothing on record to indicate that the management entered into an agreement with the workman for apprentice for any particular period or periods. Shri L. K. Sondhi has stated that there was no agreement with the concerned workman for engaging him as unpaid apprentice. He tried to wriggle the management out of this unfortunate position by stating that the concerned workman approached the management to allow him as unpaid apprentice and the management simply allowed him to do so. He has admitted that the management has not filed any document to show that the concerned workman approached the management to allow him to undergo training as unpaid apprentice. Even assuming for the sake of argument that the concerned workman did so, the management had no right to allow him to work as unpaid apprentice without a contract of apprenticeship entered into by and between the management and the concerned workman. That being the position, I come to the conclusion that the plea of the management that the concerned workman was employed as unpaid apprentice is nothing but a figment of imagination.

10. Upon consideration of the evidence on record, I cannot but conclude that the concerned workman was engaged earlier on the job of blaster and later in the job of mining mate in Kuteshwar Lime Stone Mine and Bhawanathpur Lime Stone Mine and in the process he completed more than 240 days attendance in a calendar year. Admittedly, the management dismissed him from the services of the concerned workman without following mandatory provisions of Section 25-F of the Industrial Disputes Act. That being so, the termination of the service of the concerned workman by the management is considered to be illegal and unjustified. In the context of these facts and circumstances and evidence on record, the management is liable to reinstate him in service.

11. Accordingly, the following award is rendered—the action of the management of Bhawanathpur Lime Stone Mine of Bokaro Steel Plant, Bhawanathpur in terminating the services of Shri Shymal Kumar Ghosal, the concerned workman, with effect from 31-12-1982 is unjustified. The management of Bhawanathpur, is directed to re-instate the concerned workman on service from the date of reference i.e. 3-4-1987 and to pay him 50 per cent of back wages and wages as per N.I.C. Wage Board from the date he reports for duty after publication of this award.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-26011/9/85-D.III(B)]

का.आ. 1281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हरियाणा मिनेरल्स लि. के प्रबन्धन से संबद्ध नियोजकों और उनके कामकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-91 को प्राप्त हुआ था।

S.O. 1281.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Haryana Minerals Ltd. and their workmen, which was received by the Central Government on 11-4-91.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-TRIBUNAL CUM-LABOUR COURT, CHANDIGARH

I.D. No. 52/87

Sh. Siri Ram S. Chauhan Vs. Haryana Minerals Ltd.

For the workman—Workman in person.

For the management—Shri Rajinder Phogat

AWARD

Central Govt. vide gazette notification No. L-29012/38/86/D.III(B) dated 3-7-1987 issued under 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for decision on a dispute raised by Shri Ram, S. Chauhan :

“Whether the action of the management of Haryana Minerals Ltd. in dismissing Shri Shri Ram S. Chauhan Store Keeper from service w.e.f. 22-4-86 is legal and justified. If not, to what relief the concerned workman is entitled to and from what date ?

2. File taken up today at the request of the parties. Parties have settled their dispute amicably. Settlement Ex. C1 had been filed which has been endorsed by the workman and the representative of the management. According to this settlement the break in service of Shri S. R. S. Chauhan is condoned and the period is regularised as extra-ordinary leave without pay, granting continuity of service. It has also been agreed that Shri S. R. S. Chauhan Store keeper be promoted as senior store keeper in the scale of Rs. 1400-2600 with two additional increment. However Shri S. R. S. Chauhan shall not be entitled to claim any back-wages for the period from 22-4-86 to 4-1-1988.

In view of this settlement Ex. C1 and the statement of the respective parties endorsing this settlement Ex. C1 no dispute award is returned to the Ministry.

Chandigarh.

26-3-1991.

ARVIND KUMAR, Presiding Officer.
[No. L-29012/38/86-D.III(B)]

का.अ. 1282:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जयसमंड माइनिंग प्रोजेक्ट प्रां. एम. पी. सी. पन्ना (म. प्र.) के प्रबन्धन के संबंध नियोजकों और उनके कामकाजों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर, (म. प्र.) के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

S.O. 1282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal Jabalpur (M.P.) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Diamond Mining Project of N.M.D.C. Panna (M.P.) and their workmen, which was received by the Central Government on 8-4-91.

ANNEXURE

BEFORE SHRI V.N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT 449/A, AMANPUR, NARSINGH WARD, JABALPUR (M.P.)

- (1) Case No. CGIT/LC(R)(113)/1987
(Reference Notification No. L-13012/24/85-D.III(B) Dated 15-7-1987).
- (2) Case No. CGIT/LC(R)(114)/1987
(Reference Notification No. L-43012/29/85-D. III(B) dated 14-7-1987).
- (3) Case No. CGIT/LC(R)(115)/1987.
(Reference Notification No. L-43012/26/85-D. III(B) dated 14th July, 1987).
- (4) Case No. CGIT/LC(R)(240)/1987.
(Reference Notification No. L-8(i)/86-Con.-II/D, III(B)/D.II(A) dated 2-12-1987).

PARTIES :

Employers in relation to the management of Diamond Mining Project of N.M.D.C. Panna (M.P.) and their workman S/Shri Gorelal Sumera, Khtlasi, H. N. Mondal, M.C.O.-III, Mohbat Khan, NCO-II and G. P. Sharma, Sr. Store Keeper, represented through the M.P. Rashtriya Hira Khani Mazdoor Sangh, Panna (M.P.).

APPEARANCES :

For Union—Shri N. P. Mehta.
For Management—Shri A. K. Sashi, Advocate.

INDUSTRY : Diamond Mining. DISTRICT : Panna (M.P.)

AWARD

Dated : March 20th, 1991

These are four references registered as case Nos. CGIT/LC(P)(113)/87 CGIT/LC(R)(114)/87, CGIT/LC(R)(115)/87 and CGIT/LC(R)(249)/87. All these four disputes have been raised by the M.P. Rashtriya Hira Khani Mazdoor Sangh, Panna (MP) against the Diamond Mining Project of N.M.D.C. Panna (M.P.).

2. All these four disputes are raised on the common ground and therefore the references of all these disputes are disposed by this common Award. References have been made as follows :—

1. Case No. CGIT/LC(R)(113)/87.

“Whether the action of the management of Diamond Mining Project, Panna in arriving at a settlement dated 1-9-1982 with one of the unions to account date of joining of Shri Gorelal Sumera, Khtlasi amongst others without his consent and consequently presuming his date of joining as 26-5-1969 instead of 16-5-1967 affecting his seniority is justified? If not, to what relief is the workman concerned entitled?”

2. Case No. GCIT/LC(R)(114)/87.

“Whether the action of the management of Dimond Mining Project, Panna in arriving at a settlement dated 1-9-1982 with one of the unions to account date of joining of Shri H. N. Mondal, M.C.O.-III amongst others without his consent and consequently presuming his date of joining as 3-10-1970 instead of 1962 affecting his seniority is justified? If not, to what relief is the workman concerned entitled?”

3. Case No. CGIT/LC(R)(115)/87.

“Whether the action of the management of Diamond Mining Project, Panna in arriving at a settlement dated 1-9-1982 with one of the unions to account date of joining of Shri Mohbat Khan, MCO-II amongst others without his consent and consequently presuming his date of joining as 21-2-1967 instead of 18-2-1961 affecting his seniority is justified? If not, to what relief is the workman concerned entitled?”

4. Case No. CGIT/LC(R)(249)/87.

“Whether the action of the management of Diamond Mining Project of NMDC Panna (M.P.) in not acceding to the demand of the Hira Khani Mazdoor Sangh, Panna to enter correct date of joining of service 8-8-86 in the seniority list prepared by the management in respect of Shri O. P. Sharma, Sr. Store Keeper is justified? If not, to what relief is the workman concerned entitled?”

3. All these disputes have arisen out of a settlement dated 1-9-1982 which took place during conciliation proceedings before A.L.C. (C) Jabalpur and the Settlement was arrived at by Panna Hira Khadan Mazdoor Sangh, Panna (M.P.) another Union of this Project on behalf of the 740 workmen including all these four workmen concerned relating to these references. The common grounds have been raised by both the parties in all these references, stating that the settlements arrived at were

without their consent and contrary to the facts on record and therefore they are no binding on the respective workmen. Dates of joining of the workmen concerned have not been properly given by the management. The Union neither obtained the consent of the workmen concerned nor did it care to verify the correctness of the dates of joining of the workmen concerned. Therefore the dates of their joining have been wrongly given and consequently list of their seniority have also been wrongly prepared. All these workmen have accordingly claimed their promotion and all the consequential benefits by correcting the date of their joining which has been wrongly given in the Settlement. The details of each workman are as under :—

- (a) So far Reference No. 113/87 of the workman Shri Gorelal Sumera, Khalasi is concerned, his date of joining should be 16-5-67 instead of 26-5-69.
- (b) So far the reference no. 114/87 of Shri H. N. Mondal-M.C.O.-III is concerned, his date of joining should be 1962 instead of 3-10-1970.
- (c) In Ref. No. 115/87 of Shri Mohbat Khan, MCO-II, his date of joining should be 18-2-61 instead of 21-2-67.
- (d) In Reference No. 249/87 of Shri G. P. Sharma, Senior Store Keeper, his date of joining should 8-8-86 instead of 20-7-1970.

4. Thus the Settlement being not binding to these workmen concerned, the date of their joining given therein is liable to be set aside and the correct date of joining be entered in their Service Books and they be given seniority accordingly with all consequential benefits.

5. In substance the case of the management in all these four cases is that the settlement was arrived at by the competent Union before the competent authority after due verification of all the facts and their dates of joining have been rightly given in their Service Books. Therefore there is no dispute between the parties under the I.D. Act. Otherwise also, the workmen concerned are estopped from challenging the Settlement. It is final and not assailable before this Tribunal. Government has no jurisdiction to make the reference after the settlement was recorded. The references are therefore liable to be rejected.

6. First and foremost question arises for determination before this Tribunal is whether this Tribunal is competent to go behind the Settlement and look into the correctness of the date of joining of the workman concerned.

7. In the case of Metal & Engineering Workers Union (AITUC), Bhilai and Himat Steel Foundry Ltd., Durg and others (1984 M.P.L.J. 134) the Settlement which provided payment of wages less than the minimum wages was held to be violative of Art. 23 of the Constitution and therefore it was set aside irrespective of the fact that the settlement was registered and the registration Certificate was

quashed. It cannot therefore be said that the Settlement are unpenetrable.

8. The case of Jhagrakhan Collieries (P) Ltd. Vs. G.C. Agarwal, Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, Jabalpur and others (AIR 1975 SC p. 171) relates to Central Wage Board Award which was sought to be implemented by the Union and for this purpose an application under Sec. 33-C(2) of the I.D. Act for determination of the amount of Variable Dearness Allowance was made by the Union. The jurisdiction of the Court was challenged. Thereafter, the Panchayat served a notice of strike under Section 22(1) of the Act on the Company together with a Charter of 29 demands and threatened to strike on or after November 7, 1969 if their demands were not conceded. Thereupon the conciliation proceedings purporting to be under S. 22 read with Section 12(1) of the Act were held by Shri B. D. Sharma, Assistant Labour Commissioner (C) Shahdol on the 21st and 22nd October 1969. In the course of those conciliation proceedings on October 22, 1969, besides other matters, the dispute relating to V.D.A. was settled. Report together with a copy of the settlement was sent to the Government as required by Section 12(3) of the Act. Subsequent to the signing of the conciliation agreement, the Company filed a supplementary statement submitting that in view of the said settlement the application under Sec. 33-C(2) of the Act filed by the Federation had become infructuous. The Union took stand that the settlement was not in accordance with the provisions of the Act inasmuch as it had not been brought about in proceedings before a duly appointed Conciliation Officer. The Labour Court held that Shri Sharma was not a duly appointed Conciliation Officer on the date on which the settlement was arrived at, and consequently, it did not put an end to the dispute pending before a Labour Court. A writ was filed by the Company before the High Court which was dismissed. In these circumstances of the case, the Supreme Court had made certain observation which are as follows. Relevant part of para 16 runs this :—

“It follows, therefore, that even if 99 per cent. of the workers have impliedly accepted the agreement arrived at on October 22, 1969, by drawing V.D.A. under it, it will not whatever its effect under the general law put an end to the dispute before the Labour Court and make it functus officio under the Act.”

Para 12 of the judgement runs as follows :—

“The effect of a settlement of the first kind is indicated in sub-sec. (3) and that of the second in sub-section (1) of S. 18 of the Act. The material part of Section 18 reads :—

“18(1) A settlement arrived at by agreement between the employer and workman otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement.

(2) Subject to the provisions of sub-section (3), an arbitration award which has become enforceable shall be binding on the parties to the agreement who referred the dispute to arbitration.

3. The settlement arrived at in the course of conciliation proceedings under this Act [or an arbitration award in a case where a notification has been issued under sub-section (3-A) of S. 10-A or (an award of a Labour Court, Tribunal or National Tribunal) which has become enforceable shall be binding on—

- (a) all parties to the industrial dispute;
- (b) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board (arbitrator) (Labour Court, Tribunal or National Tribunal), as the case may be, records the opinion that they were summoned without proper cause;
- (c) Where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;
- (d) Where a party referred to in clause (a) or clause (b) is composed of workman, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part."

Para 21 of the judgement runs as follows :—

"21. In (1965) 2 Lab. LJ 110 (SC) (supra) cited by Mr. Malhotra, pending the appeals by the management before this Court, the subject-matters of the award were settled between most of the managements and most of their employees represented by certain Unions. An application was made requesting the Court to dispose of the appeals in terms of such settlement. It was opposed on behalf of some of the employees. This Court called for a finding from the Industrial Tribunal on this issue ;

"In view of the fact that admittedly a large number of workmen employed by the appellants have accepted payments consistently with the terms of the agreements set up by the employers in their present petition, is it shown by the respondents that the said agreement is not valid and binding on them ?"

The Tribunal submitted the finding that in every estate payments were made in terms of the settlement and such payments were voluntary and knowingly accepted by the workmen. It also held that the terms of the settlement were fair. This Court accepted the finding of the Tribunal holding that "the settlement appears to us also to be a fair one". It therefore, decided the appeals in terms of the settlement."

9. The case of General Manager, Security Paper Mill, Hoshangabad Vs. R. S. Sharma and other (AIR 1986 SC p. 954) relates to an agreement which was not entered into during the course of any conciliation proceedings and no conciliation proceedings were pending at the time when the agreement was entered

into. The Respondents who were not the operative staff and were not members of the Union and parties to the agreement challenged to the validity of the agreement before the Authority under the Payment of Wages Act on the basis of the settlement of the year 1973. It was also contended that the said Union had no authority to enter into agreement binding the respondents who were not its members. In these circumstances following observation were made by the Supreme Court in para 5 of the judgement :—

"Even though a Conciliation Officer is not competent to adjudicate upon the disputes between the management and its workman he is expected to assist them to arrive at a fair and just settlement.....Any settlement arrived at should be a just and fair one.....Law thus attaches importance and sanctity to a settlement arrived at in the course of a conciliation proceeding since it carries a presumption that it just and fair and makes it binding on all the parties as well as the other workmen in the establishment or the part of it to which it relates as stated above."

The Supreme Court, however, observed that because "there were three Unions and there was no evidence to show that the respondents were the members of the S.P.M. Employees Union which had entered into the agreement dated April 11, 1979. Since it is not shown that S. P. M. Employees Union which had entered into the agreement could represent the respondents herein and that the respondents were parties to it, the agreement was not binding on them." Much emphasis have been laid on the fairness of the settlement.

10. After long discussions O. P. Malhotra on "The Law of Industrial Disputes, Fourth Edition, Volume 8 at pages 1240-1241 has summed up as follows :—

"The original S. 18 has been renumbered as the present S. 18(3) by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1966. This provision with respect to the binding effect, places the "settlements arrived at in the course of conciliation proceedings" at par with the awards made by the adjudicatory authorities."

"Law gives greater sanctity to settlement than it gives to awards. Therefore industrial law does not contemplate any interference with the finality of a settlement and compels a settlement to run on for the period mentioned in the settlement itself and neither party is permitted to challenge that settlement during the period of its operation. A settlement arrived at even by an unregistered union is binding on the parties to such a settlement. The principle behind this is that a minority shall not be allowed to jeopardise the right of a majority, and in the interest of uniformity and industrial peace such a settlement should bind all the parties. In *Herbertsons Ltd. Vs. Workmen of Herbertsons Ltd.*, on the facts and in the circumstances of the case, the Supreme Court held that even if a few workers are not members of the majority union, it would be

just and fair that the settlement should not be disturbed particularly when a recognised and registered union enters into a voluntary settlement."

11. The ratio of the above discussions is that the settlements are being given more sanctity than awards and presumption has been made that they are just and fair particularly when the conciliation is through a competent authority. It is not said that in the instant case, the workmen concerned were not members of the Union or that the authority through which the conciliation proceedings were drawn was not competent to conciliate in the proceedings.

12. It is true that from the evidence on record of the respective cases the case of the workmen appear to be just and fair but at the same time the workmen had accepted their date of joining as per their Service Books, the photocopies of which are on record. Form B Register of the employees is also on record and these documents have been duly proved to show that dates of joining of the workmen concerned have been given as per settlement arrived at between the parties and the dispute was raised by another Union much after the service books were corrected and the workmen concerned had accepted them by putting their thumb impressions or signatures on them. All these facts have been proved in each case and I need not go in details to discuss the evidence on the record of each case.

13. One question, however, remains to be answered and question is that the workmen have also produced various documents in their respective cases to show that the date of their joining in the Company has been wrongly given and the evidence has much force rather it cannot be rejected. The evidence in each case has been led by the workmen in this regard, documentary and oral both.

14. This Tribunal would certainly not accept the evidence led by the workmen. In the facts and circumstances of this case as discussed above looking to the larger interest of the workmen due to the settlement and while questioning the validity of the settlement as to whether it was fair and just it has also to be kept in mind that give and take has to take place in settlements and this is the main reason as to why this Tribunal is not prepared to accept the evidence led by the workmen in their respective cases and would not disturb the settlement arrived at between the parties. Obviously, the workmen have suffered to some extent on account of the settlement but as pointed out above while giving and taking, someone has to suffer to some extent. Thus the test of fairness cannot be applied in the circumstances of the cases. That apart, if the settlements are permitted to be reopened, it will open the gates of endless litigation. It is not a case of fraud practiced upon the authority nor the settlement is ultravires as has been held in the case of Metal Engineering workers Union (supra). Thus as a matter of policy also no interference should be made except on the above grounds. It is immaterial whether the consent of the workmen concerned was obtained. If they had chosen a wrong representative, they must suffer. Collective bargaining should be given due weight above the ordinary contracts. In the instant settlement as per recital no. 2

dates of joining of certain workmen was left open to be verified. The same can be done in the cases of these workmen.

15. That being so, I refrain to interfere in the settlement though it may be so done, seeing the apparent mistake in their respective cases. I dispose of the reference with the observation that the management should reconsider the case of the workmen concerned in the light of the evidence adduced by them before this Tribunal. Award in all the four references is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-43012/24/85-D.III(B),

L-43012/29/85-D.III(B),

L-43012/26/85-D.III(B),

8(1)/86-Con. II/D.III(B)/D.II(A)]

का.शा. 1283—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, श्री राजेन्द्र श्रीमान पुत्र श्री रंग लाल श्रीमान मार्लिन श्रानर इन्दरगढ़ लार्ड्स स्टोन मार्लिन इन्दरगढ़ बूंदी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्म-कारों के बीच, श्रान्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shri Rajendra Shrimat S/o Shri Ranglal Shrimat, Mine/Quarry owner, Indergarh Lime Stone Mines, Distt. Bundi and their workmen, which was received by the Central Government on 9-4-91.

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

पीठासीन अधिकारी : श्री गोपाल लाल गुप्ता सार. एच.

जे. एम. केम सं. सी. आई. टी. 11/87.

केन्द्र सरकार श्रम मंत्रालय की अधिसूचना संख्या एच.-29011/25/85 सी 111(बी) दिनांक 27-1-87.

मेन्टरी, पम्पर गान देवर, युनियन, इन्दरगढ़, बूंदी।

बनाम

श्री राजेन्द्र श्रीमान पुत्र श्री रंग लाल श्रीमान, मार्लिन श्रानर इन्दरगढ़ लार्ड्स स्टोन मार्लिन, इन्दरगढ़, बूंदी।

नोटिफिकेशन

यूनियन की ओर से श्री जे. एच. शाह

नियोजक की ओर से : कोर्ट उपस्थित नहीं

दिनांक प्रसारित : 8-11-90

अवार्ड

केन्द्र सरकार के श्रम मंत्रालय ने निम्न विवाद इस न्यायाधिकरण की अधिनियम हेतु अपनी अधिसूचना सं. एच.-29011/25/85-सी. III (बी) दिनांक 27-1-87 द्वारा प्रेषित किया है:

“Whether the action of Shri Rajendra Shrimal S/o Shri Ranglal Shrimal, Mine/Quarry Owner, Indergarh Lime Stone Mines, Distt. Bundi in terminating the services of the undermentioned 8 workmen in contravention of Section 25-F of the Industrial Disputes Act, 1947 is justified? If not, to what relief these workmen are entitled for?”

Name	Time	Post
Sh. Giriraj S/o Chuannilal	7 years	Truck Driver
Sh. Madan Lal Sainy	2 years	Loader
Sh. Tejmal Saini	2 years	"
Sh. Rampal Saini	2 years	"
Sh. Mangilal Gujar	2 years	"
Sh. Babulal Saini	2 years	"
Sh. Prabalad Saini	2 years	"
Sh. Chafara Saini	2 years	"

2-अधिक के प्रतिनिधि उपस्थित। विपक्षी की ओर से कोई उपस्थित नहीं।

3-श्री ग्राह ने प्रगट किया कि पक्षकारों में घाज कोई विवाद नहीं है तथा जो डिस्ट्रिक्ट घाज है दिया जावे।

4-अन्य: “नो डिस्ट्रिक्ट अवाइल पारित किया जाता है। इसे प्रकाशनाथ केन्द्रीय सरकार को अन्तर्गत धारा 17(1) अधिनियम भेजा जावे।

गोपाल लाल गुप्ता, व्यापारी

[सं. पत्र.-29011/25/85-बी. III(बी)]

का.आ. 1284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चिखला मैंगनीज माईन ऑफ मैसर्स [सिंगलीज और (इंडिया) लि., नागपुर के प्रबन्धन के संबंध निधियों और उनके कर्मचारियों के बीच, अनुवर्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, जमनपुर (म. प्र.) के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-91 को प्राप्त हुआ था।

S.O. 1284.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Jabalpur (MP) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chikhla Manganese Mine of Messrs Manganese Ore (India) Ltd. Nagpur and their workmen, which was received by the Central Government on 8-4-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC(R) (38) 1982

PARTIES :

Employers in relation to the management of Chikhla Manganese Mine of Messrs Manganese Ore (India) Limited, Road Extension, Sadar Nagpur-440001 and their workman Smt. Jaitubee Lal Mohammad, represented through the S.K.M.S. (AITUC), Tirodi, Balaghat (M.P.).

APPEARANCES :

For workman : Shri Shende, Advocate.

For Management : Shri A. K. Shashi, Advocate.

INDUSTRY : Manganese Ore...DISTRICT : Nagpur (M.P.)

AWARD

Dated : March 20, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-27012/8/81-D.III(B) dated 2nd June, 1982, for adjudication of the following dispute :—

“Whether the action of the management of Chikhla Manganese Mines of Messrs Manganese Ore (India) Limited, in dismissing Smt. Jaitubee Lal Mohammad a piece-rated worker, from service with effect from 10th August, 1980 is justified? If not, to what relief is the workman entitled?”

2. In this case my learned predecessor vide his award dated 23rd August, 1984 quashed the D.E. proceeding and ordered reinstatement of the workman with compensation amounting to Rs. 3000/- in lieu of part of back wages. The matter went up before the High Court and the High Court of M.P. at Jabalpur in M.P. No. 2292/84 vide its order dated 26-7-1986 held that the order of this Tribunal so far as it relates to reinstatement of workman and payment of damage to her is set aside with the direction that the Tribunal should give an opportunity to the management to lead evidence oral and documentary to prove the misconduct of the workman before the Tribunal. Hence I will deal with misconduct part of the case.

3. The workman was charge-sheeted on 18-10-1979 by making following allegations :—

“It is alleged by Shri Raimani Shukla, O/C Mine Mate that on 6th Sept. 1979 while he was travelling in a truck loaded with manganese ore as a part of his official duty from Chikhla ‘A’ to Sitasong siding, you along with Smt. Jaitubee Lal Mohd/Sumitra Dasarath/Subidha Baisakhu stopped the truck near Mine Creek and forcibly dragged him out of the truck. It is also alleged that after stopping the truck you along with the above persons entered the truck and threw away the baskets containing samples of manganese ore which were duly labeled etc. Thereafter you pushed him here and there and also abused him in filthy language. You also instructed him to hold a flag in his hand

and shout certain slogans. When he refused to do this, you threatened to assault him. As a result of your threat and intimidation he took the flag from you and also shouted the slogans which you wanted him to shout.

The above alleged acts of your part amount serious misconduct as described under clause 29(B) (ii), (vii), (x) and (xii) of the Company's Standing Orders i.e.

29B(ii)—Striking or slowing down work or inciting others to strike and slow work in contravention of the provisions of any law or rules having the force of law.

29(b)(vii)—Fighting, riotous disorderly or indecent behaviour within the premises of the Management.

29(b)(x)—Causing damage to work in progress to any property of the management.

29(b)(xii)—Assaulting, threatening or intimidating any workman or officer of the management within the mine premises or boundaries."

D.E. was held against her and she was dismissed from service with effect from 10th August, 1980.

4. The workman has, however, denied the alleged misconduct and the adequacy of the punishment. The management in support of its case has examined two witnesses viz. Rajmani Shukla and Ajit Khan as M.W.2 and M.W. 3 respectively. One Srinivas Dinkar Jahagirdar was already examined on behalf of the management before the award was passed as M.W.1.

5 The workman has not produced any evidence in rebuttal.

6. From the above evidence it is patently clear that not only on when Rajmani Shukla was proceeding with a truck towards siding at about 9 a.m. while Rashid Khan was Driver and Ajim Khan was Conductor therein it was stopped by 50.60 female workers including the workman concerned who was one of the main leaders. They were carrying red flags. They stopped the truck. Smt. Jaitunbee opened the cabin of the truck and asked Rajmani Shukla to come out from the cabin of the truck and to accompany her in the meeting. She and others abused him by calling bad names and compelled him to accompany them at the meeting place along with a flag in his hand. He had to do accordingly under coercion and threat. Lady Jaitunbee also gave a push to Rajmani Shukla. After Rajmani Shukla was taken to office of the Mine he was left there, he came back from there and informed the Mine Manager in this regard. The action was accordingly taken against the workman concerned and above charges were framed against her. The testimony of these witnesses could not be assailed in their cross-examination. On the other hand, as per M.W.1 Srinivas Dinkar Jahagirdar the charges were admitted by the workman concerned. I need not go into this part of the evidence but the remaining evidence is sufficient to prove the charges against the workman concerned except Charge No. 2 which relates to fighting, riotous disorderly or indecent behaviour within

the premises of the management. The remaining misconducts are amply proved. Looking to the charges proved against the workman concerned the punishment awarded to her is adequate and no interference is called for. The reference is, therefore, answered as follows :—

The action of the management of Bhikhla Mangane Mines of Messrs Mangane Ore (India) Limited, in dismissing Smt. Jatunbee Lal Mohammad, a piece-rated worker, from services with effect from 10th August, 1980 is justified. She is not entitled to any relief. No order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer

[No.L-27012/8/81-D.III(B)]

का.प्रा. 1285—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दरीबा कॉपर प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dariba Copper Project and their workmen, which was received by the Central Government on 9-4-91.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

पीठासीन अधिकारी श्री गोपाल लाल गुप्ता, आर.एच.जे. एम.
केस नं. सी.आई. टी. 6/88

केन्द्रीय सरकार धर्म मंत्रालय का अधिसूचना सं. एन० एल० 430 11/6/
१६-डी.-III (बी) दि. 14-8-87

जनरल मैनेजरी, कॉपर प्रोजेक्ट मजदूर यूनियन, पो.ओ. दरीबा
जिला—अलवर

बनाम

प्रोजेक्ट मैनेजर, दरीबा कॉपर प्रोजेक्ट, पो.ओ. दरीबा जिला
अलवर।

उपस्थिति :

यूनियन की ओर से: श्री गेंदा लाल शर्मा,

श्री इन्द्रराज वर्मा

श्री एम.एफ. बंग

नियोजक की ओर से: श्री जे. एम. जाबलिया एवं

श्री मनोज कुमार शर्मा

दिनांक अगस्त : 19-12-90

अग्रार्थ

भारत सरकार के धर्म मंत्रालय ने अधिसूचना सं. एन.एल.
45011/6/80-डी.-3(बी) दिनांक 14-8-87 के द्वारा निम्नलिखित विवाद
धर्म न्यायाधिकरण का अधिनियम हेतु प्रेषित किया है।

"Whether the action of the management of Dariba Copper Project Alwar in not regularising the service of 8 workmen namely S/Shri Rabbubir Singh, Kailash Sharma, Hari Kishan, Bhupendra Kumar, Ishwari Lal Mohaulal, Ram Swaroop, Pukhraj and

nor paying their wages as paid to the regular workmen on the basis of equal pay for equal work is justified, proper and legal? If not, to what relief the workmen are entitled to?"

दिनांक अर्वाहः 8-11-90

अर्वाहः

केन्द्र सरकार के श्रम मंत्रालय ने अपना अधिसूचना सं. एल-29012/31/85-डी II (बी) दिनांक 27-1-87 के द्वारा निम्नलिखित विवाद निवारण विवरण को अधिनियम हेतु प्रेषित किया है:

"Whether the action of Shri Om Prakash S/o Shri Badri Lal Gupta M/s. Bajrang Lal Badri Lal Gupta, Mine Owner Indergarh Lime Stone Mines, Distt. Bundi in terminating services of Smt. Keshar Bai W/o Shri Devi Singh in contravention of section 25F of the Industrial Disputes Act, 1947 is justified? If not, to what relief Smt. Keshar Bai W/o Shri Devi Singh is entitled?"

2. मं. कापर प्रोजेक्ट मजदूर यूनियन, दरीबा ने अपना बेलग बिबरण प्रस्तुत कर दिया था, तत्पश्चात् प्रबंधक दरीबा कापर प्रोजेक्ट हिन्दुस्तान कोपर लि. ने दिनांक 31-10-88 को उत्तर प्रस्तुत कर दिया था। श्रमिक संघ की ओर माध्यम भी लिखी जा चुकी है तथा पत्रावली प्रबंधक की साध्य हेतु स्थित थी किन्तु आज पक्षकारों ने उपस्थित होकर समझौता प्रस्तुत किया है एवं यह अनुमोदित किया है कि इस समझौते के अनुरूप अधिनियम पारित कर दिया जाये।

3. इस समझौते को पक्षकारों के प्रतिनिधियों को पहुंचकर गुनाया गया। कापर प्रोजेक्ट मजदूर यूनियन के अध्यक्ष श्री गेंडालाल शर्मा तथा दरीबा तामरा परियोजना श्रमिक संघ के मैनेजर इन्दरगढ़ बर्मा एवं श्री एम.एफ. बेग तथा प्रबंधकों की ओर से श्री मनोज कुमार शर्मा ने इस समझौते के तथ्यों का सही होना स्वीकार किया है। इस समझौते के अनुरूप अधिनियम पारित करने में कोई विधिक अड़चन नहीं है, अतः इस विवाद में दिनांक 14-12-90 के समझौते के अनुसार अधिनियम पारित किया जाता है। यह समझौता इस अधिनियम का भाग समझा जायेगा। इस अधिनियम को केन्द्र सरकार का वास्तविक प्रकाशन अन्तर्गत धारा 17(1) अधिनियम भेजा जाये।

गोपाल लाल गुप्ता, न्यायाधीश

[सं. एल-43011/6/84-डी-3(बी)]

का.प्र. 1286--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मं. बजरंग लाल बशी लाल गुप्ता मर्दान आनर, इन्दरगढ़ लाईम स्टोन माइन्स, सुमेरगंज मण्डी जि. बूंदी के प्रबंधक के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bajrang Lal Badri Lal Gupta Mine Owner, Indergarh Limestone Mine, Sumerganj Mandi, Distt. Bundi and their workmen, which was received by the Central Government on 9-4-91.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

पीठासीन अधिकारी: श्री गोपाल लाल गुप्ता, आर.एच.जे. एम. केस नं. सी.आई.टी. 8/87

केन्द्रीय सरकार श्रम मंत्रालय की अधिसूचना संख्या: एल-29012/31/85-डी-3(बी) दिनांक 27-1-87

सेक्रेटरी, पत्थर खान लेबर यूनियन (यूटीयूमी)

श्रीमती केशरबाई पति श्री देवी सिंह बैरवा, इन्दरगढ़।

बनाम

मं. बजरंग लाल बशी लाल गुप्ता मर्दान आनर, इन्दरगढ़ लाईम स्टोन माइन्स, सुमेरगंज मण्डी, जि. बूंदी।

उपस्थिति:

यूनियन की ओर से श्री जे.एल. शाह

नियोजक की ओर से कोई उपस्थित नहीं।

2. प्राची प्रतिनिधि उपास्थान। श्रमिकों की ओर से कोई हाजिर नहीं। श्री शाह ने प्रकट किया कि पत्रकारों के मध्य कोई विवाद नहीं है तथा "नो डिस्पुट" अर्वाह दिया जाता है।

3. अतः "नो डिस्पुट" अर्वाह पारित किया जाता है, जिसे प्रकाशनार्थ केन्द्र सरकार को अन्तर्गत धारा 17(1) अधिनियम भेजा जाये।

गोपाल लाल गुप्ता, न्यायाधीश

[सं. एल-29012/31/85-डी-3(बी)]

का.प्र. 1287--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दरीबा कापर प्रोजेक्ट के प्रबंधक के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-91 को प्राप्त हुआ था।

S.O. 1287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dariba Copper Project and their workmen, which was received by the Central Government on 9-4-91.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री गोपाल लाल गुप्ता आर.एच.जे. एम. केस नं. सी. आई.टी. 38/90

केन्द्र सरकार श्रम मंत्रालय की अधिसूचना संख्या:

एल.-43011/2/90-आई.आर. (विधि) दि. 7-6-90

प्रेसीडेंट, कापर प्रोजेक्ट मजदूर यूनियन, दरीबा।

बनाम

प्रोजेक्ट मैनेजर, दरीबा कापर प्रोजेक्ट, दरीबा।

उपस्थिति:

श्रमिक संघ की ओर से: श्री गेंडालाल शर्मा,

श्री इन्दरगढ़ बर्मा एवं

श्री एम.एफ. बेग

नियोजक की ओर से: श्री मनोज कुमार शर्मा एवं

श्री जे. एम. जावल्या।

दिनांक अर्वाहः 19-12-90

अर्वाहः

भारत सरकार के श्रम मंत्रालय ने अपनी अधिसूचना सं. एल-43011/2/90-आई.आर. (विधि) दिनांक 7-6-90 के द्वारा निम्नलिखित विवाद इस न्यायाधिकरण को अधिनियम हेतु प्रेषित किया है:

"Whether the action of the management of Dariba Copper Project of M/s. Hindustan Copper Ltd., Dariba is not paying equal wages for equal work to 20 workmen as mentioned in Annexure is unjustified? If not, to what relief these workmen were entitled to?"

2. श्रमिक संघ की ओर से क्लेम प्रस्तुत किया जा चुका है तथा विपक्षी प्रबंधक का उत्तर प्रस्तुत होना था किन्तु आज ही पक्षकारों ने समझौता कर लिया है तथा यह अनुरोध किया है कि इस समझौते के अनुसार अधिनियम पारित कर दिया जाये।

3. समझौता पक्षकारों के प्रतिनिधियों को पढ़कर सुनाया गया है। श्री गेंदालाल भार्गव अध्यक्ष, कापर प्रोजेक्ट मजदूर यूनियन, इन्द्रराज वर्मा जनरल सैक्रेटरी, देशीला ताम्र परियोजना तथा श्री एम.एफ.बैंग एवं प्रबंधक पक्ष की ओर से श्री मनोज कुमार शर्मा एवं श्री जे.एम. जावलिया ने इस समझौते के तथ्यों को सही होना स्वीकार किया है। इस समझौते के आधार पर अधिनियम पारित करने में कोई विधिक अड़चन नहीं है।

4. अतः उक्त विवाद में इस समझौते दिनांक 11-12-90 के अनुरूप अधिनियम पारित किया जाता है, यह समझौता इस अध्यादेश का भाग रहेगा। अध्यादेश वास्तव प्रकाशन केन्द्र सरकार को यन्तगत धारा 17(1) अधिनियम भेजा जाये।

गोपाल लाल गुप्ता न्यायाधीश

[सं. एन-43011/2/90-आई.आर. (विधि)]

एस.ए.ए. परावर, अवर सचिव

नई दिल्ली, 18 अप्रैल, 1991

का.आ. 1288—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 5-क के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से उक्त अधिनियम के अधीन गठित कार्यकारी समिति में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 47, आ. 532 (ई) दिनांक 28 जून, 1990 के तहत नियुक्त व्यक्तियों के स्थान पर निम्नलिखित व्यक्तियों को नियुक्त करती है:—

अध्यक्ष

(क) धारा 5-क की उपधारा (2) के खण्ड (क) के अधीन नियुक्त।

1. सचिव, भारत सरकार, श्रम मंत्रालय, नई दिल्ली।

सदस्य

(ख) धारा 5-क की उपधारा (2) के खण्ड (ख) के अधीन नियुक्त

2. अवर सचिव, भारत सरकार, श्रम मंत्रालय, नई दिल्ली।

3. वित्तीय सलाहकार,

श्रम मंत्रालय, भारत सरकार, नई दिल्ली।

(ग) धारा 5-क की उपधारा (2) के खण्ड (ग) के अधीन नियुक्त:

4. सचिव, पश्चिम बंगाल सरकार,

सचिव,

श्रम विभाग कलकत्ता।

5. सचिव, उत्तर प्रदेश सरकार, श्रम विभाग, लखनऊ।

6. सचिव, महाराष्ट्र सरकार, उद्योग, श्रम एवं ऊर्जा विभाग, बम्बई।

(घ) धारा 5-क की उपधारा (2) के खण्ड (घ) के अधीन क्षेत्रीय

केन्द्रीय बोर्ड द्वारा चयनित:—

7. श्री ए.के. कल्लोवाल,

जे. एस. कुमार इन्स्टीट्यूट (सिस्टम) प्रा. लि., निरंजन

बिल्डिंग, 99 मैरीन ड्राइव, बम्बई-400002

8. श्री पी. बी. कुमल,

ई-222, न्यू राजेन्द्र नगर, नई दिल्ली।

9. श्री एन. कानन, सचिव,

वर्धनी भारत नियोजता संघ, 41 कस्तूरी रंगा रोड, मलबरोड

मद्रास-600018

(ङ) धारा 5-क की उपधारा (2) के खण्ड (ङ) के अधीन केन्द्रीय बोर्ड द्वारा चयनित:—

10. श्री प्रदुमन सिंह,

सचिव, पंजाब राज्य समिति, आल इंडिया ट्रेड यूनियन कांग्रेस, एकता भवन, पुतली घर, अमृतसर।

11. श्री हरिभाऊ नाइक,

सचिव, इंडियन नेशनल ट्रेड यूनियन कांग्रेस,

मार्फत राष्ट्रीय मिल मजदूर संघ,

जी.डी. अम्बेडकर मार्ग, पारेल बम्बई-400012

12. श्री ए. बेंकटराम,

भारतीय मजदूर संघ,

कर्नाटक राज्य, सूबेदार चाक्रम रोड, बंगलूर-560009

(च) धारा 5-क की उपधारा (2) के खण्ड (च) के अधीन नियुक्त

13. केन्द्रीय भविष्य निधि आयुक्त, कर्मचारी भविष्य निधि संगठन, मयूर भवन, नई दिल्ली।

[सं. बी-20025(1) 91-एस.एस.-II]

राशि जैन, संयुक्त सचिव

New Delhi, the 18th April, 1991

S.O. 1288.—In exercise of the powers conferred by section 5AA of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints with effect from the date of publication of this notification in the Gazette of India, the following persons to the Executive Committee constituted under the said Act in place of persons appointed vide notification of the Government of India in the Ministry of Labour S.O. No. 532(E), dated the 28th June, 1990, namely:—

CHAIRMAN

(a) Appointed under clause (a) of sub-section (2) of section 5AA.

1. Secretary to the Government of India,
Ministry of Labour, New Delhi.

MEMBERS

(b) Appointed under clause (b) of sub-section (2) of section 5AA.

2. Additional Secretary to the Government of India,
Ministry of Labour,
New Delhi.

3. Financial Adviser,
Ministry of Labour,
Government of India,
New Delhi.

(c) Appointed under clause (c) of sub-section (2) of section 5AA.

4. Secretary to the Government of West Bengal,
Labour Department,
Calcutta.

5. Secretary to the Government of Uttar Pradesh,
Labour Department,
Lucknow.

6. Secretary to the Government of Maharashtra, Industry, Labour & Energy Department, Bombay.

(d) Elected by the Central Board under clause (d) of sub-section (2) of section 5AA.

7. Shri A. K. Kasliwal,
M/s. S. Kumar Enterprises (Synlabs) Private Ltd.,
Niranjan Building,
99 Marine Drive, Bombay-400002.

8. Shri P. B. Duggal,
E-222, New Rajinder Nagar,
New Delhi.

9. Shri N. Kannan,
Secretary,
Employers' Federation of Southern India,
41, Kasturi Ranga Road, Alwarpet,
Madras-600018.

(e) Elected by Central Board under clause (e) of sub-section (2) of section 5AA.

10. Shri Parduman Singh,
Secretary,
Punjab State Committee,
All India Trade Union Congress,
Ekta Bhawan, Patlighar, Amritsar.

11. Shri Haribhau Naik,
Secretary, Indian National Trade Union Congress,
C/o Rashtriya Mill Mazdoor Sangh
G. D. Amedkar Marg, Bombay-400012.

12. Shri A. Venkatram,
B.M.S. Karnataka State,
Subedar Chattram Road, Bangalore-560009.

(f) Appointed under clause (f) of sub-section (2) of section 5AA.

13. Central Provident Fund Commissioner,
'Employees' Provident Fund Organisation,
Mayur Bhawan, New Delhi.

[No. V-20025(1)/91-SS.II]

SHASHI JAIN. It. Secy.

नई दिल्ली, 18 अप्रैल, 1991

का.प्र. 1289—केंद्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 2 के खण्ड (क.बो.) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उपरोक्त अधिनियम के उपबन्ध के अन्तर्गत संबंधित क्षेत्रों में कार्यक्षेत्रधीन सभी स्थापनाओं के संबंध में उपरोक्त आयुक्तों के कालम (2) में उल्लिखित क्षेत्रों के लिए मई, 1991 के प्रथम दिन से उपरोक्त अधिनियम के अन्तर्गत यमुनी अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करने हेतु :—

क्रम सं.	अधिकारी का नाम और पदनाम	यह क्षेत्र जिसके संबंध में क्षेत्राधिकार का प्रयोग किया जाता है।
1	2	3
1.	श्री राजकुमारजी, क्षेत्रीय भविष्य निधि आयुक्त, पश्चिम बंगाल।	पश्चिम बंगाल तथा गंगासाहित प्रदेश अंगराम और निकोबार।
2.	श्री श्री. कल्याणराम, क्षेत्रीय भविष्य निधि आयुक्त, मद्रास।	तमिलनाडु और पाण्डिचेर तथा संघशासित प्रदेश पांडिचेर का संरक्षित क्षेत्र।

(सं. प्र. -11013(2) 90-एस एस -II(ग))

New Delhi, the 18th April, 1991

S.O. 1289.—In exercise of the powers conferred by clause (kb) of Section 2 of the E.P.F. & M.P. Act, 1952 (19 of 1952) the Central Government hereby authorises the Officers mentioned in Column (2) of the Schedule to exercise the powers of Recovery Officer under the said Act on and from the 1st day of May, 1991 for the areas mentioned in Column (3) of the said Schedule in relation to all the establishments covered under the provision of the said Act in the respective areas :—

S. No.	Name and Designation of the Officer	Area in relation to which jurisdiction to be exercised.
1	2	3
1.	Shri Rajat Goswamy Regional Provident Fund Commissioner, Nicobar.	West Bengal and the Union Territory of Andaman and Nicobar.
	Shri R.Kalyanaraman Regional Provident Fund Commissioner, Madras.	Tamil Nadu and Pondicherry & Kannakal area of Union Territory of Pondicherry.

[No. R-11013(2)/90-SS. II (A)]

का.प्र. 1290—केंद्रीय सरकार, कर्मचारी भविष्य निधि आयुक्त और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 2 के खण्ड (क.बो.) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए भारत के राजपत्र, अध्यापन के भाग 2, धारा-3, उपधारा (II) में दिनांक 3 जुलाई, 1990 को प्रकाशित भारत सरकार, अम भवना की अधिसूचना संख्या सा. का. 539(ई), दिनांक 29 जून, 1990 में निम्नलिखित संशोधन करती है, अर्थात् :—

उपरोक्त अधिसूचना की अनुसूची में,—

- (i) क्रम संख्या 3 के सामने, कालम (2) के अन्तर्गत की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायगा, अर्थात् :—
“श्री एम. आर. सूरी,
क्षेत्रीय भविष्य निधि आयुक्त,
दिल्ली।”
- (ii) क्रम संख्या 8 के सामने, कालम (2) के अन्तर्गत की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायगा, अर्थात् :—
“श्री श्री. एस. कुन्देडा,
सहायक भविष्य निधि आयुक्त,
इन्दौर।”
- (iii) क्रम संख्या 10 के सामने, कालम (2) के अन्तर्गत की गई प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जायगा, अर्थात् :—
“श्री पी. एम. बाबू,
क्षेत्रीय भविष्य निधि आयुक्त,
बम्बई।”

[सं. प्र. -11013(2)/90-एस एस -II(ब)]

S.O. 1290.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees Provident Funds and miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in

the Notification of the Government of India, Ministry of Labour No. S. O. 533(E), dated the 29th June, 1990, published in Part II Section 3, sub-section (ii) of the Gazette of India, Extra-ordinary dated the 3rd July, 1990, namely :—

In the schedule to the said notification,—

- (i) against serial No. 3, for the entry under column (2), the following shall be substituted, namely :—

“Shri R. S. Suri,
Regional Provident Fund Commissioner,
Delhi.”

- (ii) against serial No. 8, for the entry under column (2) the following shall be substituted, namely :—

“Shri R. S. Khunteta,
Assistant Provident Fund Commissioner,
Indore.”

- (iii) against serial No. 10, for the entry under column (2), the following shall be substituted, namely :—

“Shri P. S. Babu,
Regional Provident Fund Commissioner,
Bombay.”

[No. R. 11013(2)/90-SS. II(B)]

नई दिल्ली, 19 अप्रैल, 1991

का.प्र. 1291—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-5-91 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-78 की उपधारा (1) और धारा-77, 79 और 81 के सिवाय

जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध असम राज्य के निम्न-लिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्—

क्रम सं.	राजस्व क्षेत्र का नाम	सौजा व तालुका	जिला
1.	बोंगाई गांव मंडर	दीही बिरजारा	बोंगाई गांव
2.	नया बोंगाई गांव	दीही बिरजारा	बोंगाई गांव
3.	चापागुरी	बिजनी	बोंगाई गांव
4.	दासी गांव	दूसरा भाग ल. सीरी	बोंगाई गांव
5.	औद्योगिक स्टेट (नया बोंगाई गांव)	बोतामारी	बोंगाई गांव

[संख्या एस.-38013 14 91-एस.एस.-1]

ए. क. भट्टराई, अवर सचिव

New Delhi, the 19th April, 1991

S.O. 1291.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st May, 1991 as the date on which the provisions of Chapter IV (except section 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought in to force) of the said Act shall come into force in the following area in the State of Assam namely :—

S. No.	Name of Revenue Village	Mauza & Taluk	District
1.	Bongaigaon Town	Dihi-Birjhora	Bongaigaon
2.	New Bongaigaon	Dihi-Birjhora	Bongaigaon
3.	Chapaguri	Bijnai	Bongaigaon
4.	Dhaligaon	2nd Part-Sidhi	Bongaigaon
5.	Industrial Estate (New Bongaigaon)	Boitamari	Bongaigaon

[No. S. 38013/14/91-SSI]

A. K. BHATTARAI, Under Secy.

